

1 IN THE DISTRICT COURT OF THE UNITED STATES
2 FOR THE NORTHERN DISTRICT OF OHIO
3 EASTERN DIVISION

3 UNITED STATES OF AMERICA,)
4 Plaintiff,) Judge Wells
5 vs.) Cleveland, Ohio
6 JAMES A. TRAFICANT, JR.,) Criminal Action
7 Defendant.) Number 4:01CR207

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9 TRANSCRIPT OF PROCEEDINGS HAD BEFORE
10 THE HONORABLE LESLEY WELLS
11 JUDGE OF SAID COURT,
12 ON MONDAY, MARCH 25, 2002

13 Jury Trial
14 Volume 25
15 - - - - -

16 APPEARANCES:
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31 Proceedings recorded by mechanical stenography; transcript
32 produced by computer-aided transcription.

1 Monday Session, March 25, 2002, at 9:00 A.M.

2 (Proceedings in the absence of the jury:)

3 MR. TRAFICANT: Your Honor, I have a brief
4 motion to request to the Court.

5 THE COURT: Very well.

6 MR. TRAFICANT: I would ask that my -- I am
7 expecting a machine to be delivered to the court. And I
8 would ask that the witness that I have on the stand be
9 temporarily excused, the witness then be called that could,
10 in fact, testify to this machine, and if you want this
11 machine brought up here, it's very heavy, or it could be
12 seen downstairs for the jury to see, and I want a defense
13 exhibit put on it. It is a welder.

14 THE COURT: Okay.

15 MR. TRAFICANT: Second of all, I'd like to
16 know when we're going discuss the matter relative to the
17 804(b) (5), 804(b) (3) statement I've made in regards to
18 hearsay testimony, that being the last sentence; is not
19 admissible unless corroborating circumstances clearly
20 indicate the trustworthiness of the statement.

21 THE COURT: Um-hum.

22 MR. TRAFICANT: And my first witness will be
23 Dennis Johnson, and I was told to have him here at 8:00,
24 and I had him here 8:00 this morning.

25 THE COURT: I don't know where you got 8:00,

1 but this is the person we thought you were going to bring
2 on Friday, and we have to do that outside the hearing of
3 the jury. So we can do that at the first break when the --

4 MR. TRAFICANT: You don't want me to bring
5 him as a witness first then?

6 THE COURT: Well, the whole point of giving
7 you an opportunity to question him is so that you can
8 establish whether or not -- what it is you want to do with
9 this witness is permissible, so we do that outside the
10 hearing of the jury, and since we have also this issue of
11 the welder, which I need more information on since you
12 describe it as a large piece of equipment, we can -- we can
13 probably take Johnson and ask him questions that you asked
14 him before that were objected to, but we have to do it out
15 of the hearing of the jury, and we can do it at the first
16 break.

17 MR. TRAFICANT: I can ask it in front of the
18 jury in a different way, can I not?

19 THE COURT: We are asking to recall --

20 MR. TRAFICANT: I was going to recall Johnson
21 as my first witness.

22 THE COURT: Okay. Well, that may be all
23 right. Let's deal with the machine first because it --

24 MR. TRAFICANT: I can't deal with the machine
25 until it gets here.

1 THE COURT: No. We need to deal with the
2 machine before it gets here.

3 MR. TRAFICANT: Okay. Fine.

4 THE COURT: There are a couple practical
5 things I have to find out from you about the machine.

6 Assuming that this equipment is something which can
7 be shown to the jury, tell me how much it weighs.

8 MR. TRAFICANT: It weighs, I don't know, 600
9 pounds.

10 THE COURT: Okay. That's enough. I don't
11 really --

12 MR. TRAFICANT: All I know, the last I heard
13 the wheels were smoking on the turnpike, but it's on its
14 way.

15 THE COURT: Well, it sounds like it's a piece
16 of equipment that has to be put, if it's going to come in
17 the courthouse, down on the lowest level, and there is --

18 MR. TRAFICANT: They do have --

19 THE COURT: -- there is a large elevator,
20 freight elevator that goes down. There are a couple issues
21 surrounding that, though, that we have to resolve. The
22 lowest level of this courthouse has holding cells located
23 there. It has secured areas on it of various kinds,
24 including the places where we move prisoners in and out all
25 day, are all down there.

1 So if we're going to bring this equipment into the
2 courthouse, we have to put it probably -- and I would work
3 this out with GSA -- but I assume we have to take it down
4 the elevator and put it in the hallway so it can be closed
5 off from the areas where we have prisoner traffic and so
6 forth.

7 MR. TRAFICANT: That will be fine.

8 THE COURT: Okay. But I don't get to make
9 that decision alone. I have to talk with GSA, and I have
10 to talk with the Marshals because they secure a lot of the
11 areas down there. So if somebody's bringing this up here,
12 I'll have trouble with them dropping it off near where the
13 elevator is, but I don't know yet whether this is going to
14 be something the jury can view.

15 So we will now put into motion a conversation with
16 GSA and the Marshals about, can we secure that area down
17 there so that it can be viewed?

18 MR. TRAFICANT: Your Honor, we are prepared
19 to bring it up with a dolly and bring it --

20 THE COURT: Not on these marble floors in
21 this courthouse.

22 MR. TRAFICANT: That's fine. What I'm
23 saying, what I want to do is whatever witness I have,
24 intervene and stop and then bring a witness in to identify
25 the machine so the machine then can be viewed because I

1 want the machine to go back today because of the cost that
2 I'm bearing on having that machine being brought up here.

3 THE COURT: Okay. Before we get into talking
4 about interfering with whatever's going on up here, let's
5 find out what this machine is and give the Government an
6 opportunity also to ask questions about this particular
7 equipment. I know it's a welder, but that may not be
8 enough to make it something that the jury can view.

9 But we will certainly find a way, if it is something
10 the jury can view, to try and make that happen.

11 MR. TRAFICANT: If I have a witness that, in
12 fact, validates it and shows that it's never been used and
13 why he had the machine, that's what I want to do, is bring
14 a witness on to, in fact, make the machine so they can see
15 that it's never been used.

16 THE COURT: Okay. But we also -- we'll have
17 to find a way to make it available for the jury's view.

18 MR. TRAFICANT: I would like to do that today
19 because I don't want to spend more money tomorrow.

20 THE COURT: Congressman, we just found out
21 about all this. We have people to contact. Okay?
22 We'll --

23 MR. TRAFICANT: My defense just started.

24 MR. MORFORD: Well, your Honor, what the
25 Court just said is the biggest problem I have with this.

1 We just found out about this. Congressman Traficant has
2 chose to present his defense in such a way that we have no
3 idea what's going on, and to some degree, he has a right to
4 do that.

5 In the beginning of this trial, he came to me and
6 said would you be kind enough to tell me your witnesses in
7 advance, tell me what order you're going call them, and if
8 you do, I will do the same.

9 I didn't fully expect that he would, but I went ahead
10 and did that, and everyday we told him at least a day or
11 two ahead who we would be calling and the order we would be
12 calling. He would ask us in the afternoon. He would ask
13 us again at night. He would ask again in the morning, and
14 we had repeat the answer several times. He doesn't have a
15 duty to tell us who the witnesses are. The only duty he
16 has is to obey his good word, which he is not going to do,
17 and I don't ask the Court to intervene.

18 MR. TRAFICANT: I object to that. I object
19 to that.

20 THE COURT: Whoa, whoa.

21 MR. MORFORD: I'm talking right now.

22 THE COURT: If you're not going to ask the
23 court to intervene, let's move on.

24 MR. TRAFICANT: Let's move on.

25 MR. MORFORD: What I'm going to raise under

1 Rule 16, the Defendant had a duty, a legally bound duty to
2 disclose his evidence to us in advance. We've raised this
3 several times with the court before trial. We put him on
4 notice by photocopying and giving him every bit of evidence
5 that we've had far in advance of trial; that he was under a
6 legal duty to do the same.

7 He has not done that, and this morning is the first
8 we've heard anything about this machine, and at a minimum,
9 we're going to want to have it inspected by somebody from
10 the Prosecution or one of the agents and determine whether
11 it's even the same machine.

12 This is the first we've heard anything about this
13 machine, and that's not his obligation to bring things in
14 at the last minute without us having looked at or prepared
15 to address the evidence.

16 MR. TRAFICANT: Your Honor, I'd like to
17 respond. Number 1, I take offense to any remarks that are
18 made that tend to reflect what my mindset or opinion might
19 be.

20 Now, if they chose to tell me who their witnesses
21 were -- a couple of times they told me and then changed the
22 order on me and screwed me up a little bit, quite frankly.
23 I'm under no duty or obligation to even provide a defense.

24 Now, this welder is brand new. It'll be identified
25 by a serial number. I have a witness that will testify to

1 it, and I have decided to bring this thing up and take a
2 number of photographs and present the photographs to the
3 court as evidence. But I wanted this machine to be seen,
4 to show that it has not been used, and I have a witness to
5 corroborate that.

6 Second of all --

7 THE COURT: Let me just ask you a question.

8 MR. TRAFICANT: I want to give you the
9 witnesses that I have today.

10 I have Susan Bucci, Dennis Johnson, Sandra Ferrante,
11 and I don't know if I will get through all those. But
12 Susan Bucci and Sandra Ferrante are -- Sandra Ferrante's
13 husband had a stroke. She had to hire a nurse. I'd like
14 to get her on today. Susan Bucci is the wife of Dan Bucci
15 and Dennis Johnson, which I'll bring out first, since he is
16 been here since 8:00, but I'm asking for that intervention.

17 But if you want to keep it here, I am saying for them
18 to inspect it and investigate it, which they did not do,
19 they just took the words of everybody, then it is the
20 responsibility and the cost of the Government to do so.

21 THE COURT: Let me ask one question,
22 Congressman, so I'm clear. You've talked about serial
23 number, and you talked about this being a brand new welder.
24 I just need to know, is this the same welder that was
25 discussed in prior testimony?

1 MR. TRAFICANT: This is the welder.

2 THE COURT: Okay. Good. All right. Then
3 you're correct, they do have a right to have somebody come
4 in and inspect it, and I don't know whether or not GSA will
5 be able to accommodate having it in the basement for them
6 to do that, but we'll try and work that out, too.

7 MR. TRAFICANT: If we can't, could we put on
8 our coats and walk outside and look at it, your Honor.

9 THE COURT: We might be able to do it that
10 way. In fact, outside might be all right. But they still
11 need an opportunity to inspect it before the jury sees it.

12 MR. TRAFICANT: They do that, but I want to
13 be there with them so that machine is not tampered with,
14 and I want the witness -- here's what I'm asking that if
15 that machine comes at 11:45 or 11:00 --

16 THE COURT: Yeah.

17 MR. TRAFICANT: -- that I be allowed to move
18 to adjourn with the witness that I have and call Mr.
19 Kidwell for the purposes of getting this done
20 expeditiously. They can run all the tests they want.

21 THE COURT: Well, before Mr. Kidwell
22 testifies before the jury, we have to go through all these
23 other steps. So I don't know where Mr. Kidwell is. Is he
24 bringing --

25 MR. TRAFICANT: He's here. It's being

1 delivered. He's already in the witness room.

2 THE COURT: So he's in the witness room.
3 He's going to testify about the equipment?

4 MR. TRAFICANT: That's being brought up.

5 THE COURT: Okay. So we can do something out
6 of the presence of the jury and get his testimony taken
7 care of. But then, you may have to bring him back later in
8 front of the jury if, in fact, this equipment ever becomes
9 a subject --

10 MR. TRAFICANT: Wait. Let me ask a question
11 here. Why do I have to have my witnesses testify twice,
12 once without the jury, and then with the jury? I object to
13 that. I object to being held to that standard. I'm
14 calling Mr. Kidwell as a witness period, and I don't want a
15 private voir dire without a jury around. That's it.

16 THE COURT: Okay. All right. Fine. Well
17 then --

18 MR. TRAFICANT: I'm not going to have my
19 people coming in here twice to be subjected to double
20 jeopardy when they've given immunity to felons.

21 THE COURT: Okay. The Government needs to
22 arrange with you a time when they can have whoever they
23 need to have examine that equipment. We haven't even
24 gotten yet to a point where I know when that equipment is
25 unloaded beside the courthouse, what's going to happen to

1 it. If you'll give us a few minutes, we'll try to get that
2 straightened out.

3 MR. TRAFICANT: Last I heard he was on a
4 turnpike, and the tire was smoking on the turnpike.

5 THE COURT: Okay. All right.

6 MR. TRAFICANT: I'm ready to go forward.

7 THE COURT: Somehow I have to get all of this
8 information in front of somebody who can do something about
9 it. So I guess I have to take a few minute recess so I can
10 go talk to my staff, find GSA, and talk to the Marshals
11 about how we might accommodate getting this machine inside.
12 Leaving it outside in Cleveland in this weather is probably
13 not a great plan, but maybe that's what will have to
14 happen, I don't know.

15 MR. TRAFICANT: Your Honor, I talked with the
16 CSOs downstairs. It could be brought in, and they have
17 service elevators, left on the service elevator or in the
18 basement on the service elevator, witnessed right then and
19 there.

20 THE COURT: You know what? The CSOs are not
21 in charge of that decision.

22 MR. TRAFICANT: I know, but I asked them how
23 we might be able -- let them know we have one coming at
24 least.

25 THE COURT: We're going to be talking to the

1 people who actually can decide what to do with this, so
2 we'll take a five-minute break and do that.

3 MR. TRAFICANT: Thank you.

4 (Thereupon, a recess was taken.)

5 MR. TRAFICANT: Your Honor, I want to remind
6 the Court I did show Mr. Lange that it was related as
7 Defendant's Exhibit C-7 for his identification, and he
8 could not positively identify that machine. And that was
9 given to the Government on discovery.

10 THE COURT: Okay. Let's see if I can explain
11 what we've been able to accomplish here:

12 First of all, we don't know exactly the dimensions,
13 but judging from that picture and the weight that you're
14 talking about, we will be able to have that equipment
15 dropped off on the east side of the courthouse where the
16 freight elevator is in the sidewalk.

17 It's pretty apparent before anything comes in the
18 courthouse, it has to go through the Marshals, and so the
19 Marshals are ready to do what they have to do in order to
20 inspect that equipment. And it'll come down, assuming it
21 gets through all of that part, and come into the basement,
22 which is a guarded corridor that has one of the elevator
23 sets in it, and they're able to control who goes down to
24 the basement while it's there.

25 There's some other rooms, but it's mostly a hall, a

1 big open hallway. That's where the equipment can rest, and
2 that won't harm the building and GSA, and the Marshals can
3 deal with that, and it can stay there as long as is
4 necessary for us to have the Government, whoever their
5 person is, which I would ask them to go ahead and set up,
6 since apparently the equipment's on its way, come and do
7 what they need to do to take a look at it.

8 And then, as soon as that's done, we'll be able to
9 take the jury down to actually see it. Now, as to your
10 witness, who's going to apparently identify this equipment
11 and talk about it, I don't see any reason why you couldn't
12 put him on right now, if you -- you know, that's -- you can
13 put the witness on and take the testimony.

14 MR. TRAFICANT: Your Honor, he is an
15 extensive witness that is not just about this.

16 THE COURT: Right, no, but I mean --

17 MR. TRAFICANT: You, if you want me to put
18 him on strictly about this welder and take him off first,
19 fine, but he has much more to testify to, and I would
20 prefer to do this: That I would like to get the women,
21 whose one husband had a stroke, who has a nurse with him,
22 and the other who's ill, to get Mr. Johnson on, get those
23 two on, and if we have to do him tomorrow, do him tomorrow
24 or do him at the end and bring him back tomorrow. They can
25 go see it when it comes. They can have their mechanics

1 however you want to handle it. I want to get these
2 witnesses back home.

3 THE COURT: Okay. And as I said you have
4 Susan Bucci, Dennis Johnson and Susan Ferrante and --

5 MR. TRAFICANT: Brian Kidwell.

6 THE COURT: He is the person connected with
7 the equipment, and he can come on whenever you want to call
8 him on. He doesn't have to come on at the moment the
9 equipment arrives at the courthouse. He can come on --

10 MR. TRAFICANT: I would like to bring these
11 other people first and move them on.

12 MR. MORFORD: Under the Court's order, we
13 can't have Johnson until the Court rules outside the
14 hearing of the jury.

15 THE COURT: That's true, but he knows that.
16 Dennis Johnson has to come in at a break. He understands
17 that.

18 MR. MORFORD: I'm not sure he did.

19 THE COURT: Understand that Johnson has to
20 come in as --

21 MR. TRAFICANT: I mean, Johnson's going to
22 have to testify without a jury present.

23 THE COURT: Johnson did testify in front of
24 the jury. He was here, he testified.

25 MR. TRAFICANT: Yes. And I have an

1 opportunity to reword my questions, and I am now bringing
2 up the issue of 804 --

3 THE COURT: Right. And we do that -- we do
4 that outside the hearing of the jury. He can come in at
5 the break. I don't care whether it's noon or it's the
6 morning break, so you can go on with Bucci, Ferrante, and
7 Kidwell. You can go on with those three witnesses,
8 whatever order you want to put them on. It's up to you,
9 but Johnson, we have to hear out of the hearing of the jury
10 who's been sitting back there waiting for us while we dealt
11 with this other issue.

12 MR. TRAFICANT: Listen, I object to having my
13 witnesses subjected to having to testify twice, once
14 without a jury and once in front of a jury.

15 THE COURT: If you had --

16 MR. TRAFICANT: I've never heard of this.

17 THE COURT: If you had brought Johnson in, as
18 you said you were going to do on Friday, we were prepared
19 with --

20 MR. TRAFICANT: I wasn't aware I had to bring
21 Johnson in, or I would have. It was an honest mistake, and
22 you know it. I had Mr. Terlecky hear who would testify to
23 the same thing. Mr. Johnson, I told you --

24 THE COURT: Mr. Terlecky had never been
25 called in the case. So he can come on when the jury's

Bucci - Direct

1 here.

2 MR. MORFORD: Your Honor, this is not a new
3 procedure. This is exactly what the court had us to do for
4 Bobby and Kavulic so --

5 MR. TRAFICANT: You've allowed hearsay in on
6 their side, and you are not allowing truthful testimony to
7 be brought out for defense.

8 THE COURT: Would you -- are you ready to
9 call a witness, Congressman, because the jury's waiting?
10 We're going to bring them in if you're ready to call a
11 witness.

12 MR. TRAFICANT: Bring in Susan Bucci.

13 THE COURT: Thank you.

14 MR. TRAFICANT: Your Honor, I call Susan
15 Bucci.

16 THE COURT: Fine.

17 (The following proceedings were held in the presence
18 of the jury:)

19 SUSAN BUCCI

20 of lawful age, a witness called by the Defendant,
21 being first duly sworn, was examined

22 and testified as follows:

23 DIRECT EXAMINATION OF SUSAN BUCCI

24 BY MR. TRAFICANT:

25 Q. Good morning, Susan.

Bucci - Direct

- 1 A. Good morning.
- 2 Q. Is your health okay?
- 3 A. Fair. Not great.
- 4 Q. Would you give us your full name, and spell your last
- 5 name?
- 6 A. Susan Bucci, B-U-C-C-I.
- 7 Q. And what is your address?
- 8 A. 3801 West Middletown Road, Columbiana, Ohio 44408.
- 9 Q. Are you nervous being here?
- 10 A. Yes, I am.
- 11 Q. Are you afraid of being here?
- 12 A. -- yes, a bit I am.
- 13 Q. What are you afraid of?
- 14 A. Retaliation on my children more than anything.
- 15 Q. Are you married?
- 16 A. Widow.
- 17 Q. Who was your husband?
- 18 A. Dan Bucci, Dan Thomas Bucci, Junior.
- 19 Q. Did Dan Bucci have any brothers?
- 20 A. Yes, Anthony and Robert.
- 21 Q. Did they own companies?
- 22 A. Yes.
- 23 Q. You know what companies they owned?
- 24 A. Sure. Prime Contractors, Asphalt Specialist, Black
- 25 Rock, numerous. I -- a whole bunch.

Bucci - Direct

1 THE COURT: You have a softer voice. If
2 you'd pick that up mike.

3 THE WITNESS: I'm sorry.

4 THE COURT: That's all right. Just pick up
5 the microphone, take it out of the stand. There you go,
6 and talk into it. Let's try that. Okay?

7 THE WITNESS: Okay.

8 THE COURT: That's good.

9 THE WITNESS: Is that better?

10 MR. TRAFICANT: There's water there for you
11 if you want some water.

12 THE WITNESS: Thank you.

13 BY MR. TRAFICANT:

14 Q. How long have you known me?

15 A. About seven years, seven or eight years. Since we
16 moved to Greenford.

17 Q. And where is Greenford?

18 A. Green Township, Ohio.

19 Q. And where -- what kind of property did you own?

20 A. Oh, okay. You -- we had farms adjacent -- across
21 from each other. You had a horse farm, had a horse farm,
22 and I had a beef cattle farm.

23 Q. Did you have occasion to see me on your farm?

24 A. Quite often.

25 Q. What would I be doing on your farm?

Bucci - Direct

1 A. Helping Dan with a -- mostly doing it because Dan
2 didn't have time, doing the hay, brush hogging.

3 Q. Could you explain brush hogging and what that is?

4 A. Well, we have some back property where the trees had
5 fallen and the grass had grown up and Dan wanted cleared
6 out, and you came up with your brush hog, and -- it's like
7 a big mower that mows little trees and big grass.

8 Q. And who ran the tractor?

9 A. You did.

10 Q. How often did you see me do that?

11 A. You were over at least once a week.

12 Q. Doing --

13 A. Actually, that particular brush hogging was done like
14 that one summer.

15 Q. Did I do it every summer after that?

16 A. Yes.

17 Q. Did I also do other work at your farm?

18 A. Yes.

19 Q. What, in fact, did I do at your farm?

20 A. Mow, at the time I raked hay, baled it.

21 Q. Whose wagon did it go into?

22 A. Mine.

23 Q. Relative to these wagons, did you -- did you have
24 discussions with your husband relative to these wagons
25 before he died?

Bucci - Direct

1 A. Yes. He wanted me to give --

2 Q. As a result -- as a result of those discussions,
3 what, if anything, did you do?

4 A. I called you after he died, and we were moving out of
5 the farm to see if you wanted the wagons, and you purchased
6 them from me because I was having some financial difficulty
7 at that time.

8 Q. Well, why did I purchase them from you after -- after
9 you had these conversations with your husband, what, if
10 anything, were you to do?

11 A. I was to give them to you.

12 Q. And why were you to give to me?

13 A. You did all -- we didn't use them. You used them
14 most of the time and did the repair work and made sure they
15 were always in good condition.

16 Q. Did I pay you for those wagons?

17 A. Yes, you did.

18 Q. Did I have to pay you for the wagons?

19 A. No.

20 MR. TRAFICANT: Defendant's Exhibit.

21 MR. MORFORD: May I?

22 MR. SMITH: May I see that?

23 MR. TRAFICANT: TB-4, Defendant's Exhibit

24 TB-4.

25 THE COURT: Fine. Thank you.

Bucci - Direct

1 MR. TRAFICANT: Can I show it to the witness?

2 THE COURT: Yes.

3 Q. Is this the check?

4 A. Sure looks like it.

5 Q. Did you endorse it on the back?

6 A. I absolutely did.

7 MR. TRAFICANT: Can I put this on the board,
8 your Honor?

9 THE COURT: Yes.

10 MR. TRAFICANT: You fellows, please, that
11 high tech stuff's beyond me.

12 MR. KALL: Hit the first button.

13 MR. TRAFICANT: Thank you, Matthew.

14 MR. TRAFICANT: Can I get this thing any
15 brighter or --

16 MR. KALL: It'll warm up.

17 Q. Looking -- can you see the check, Susan?

18 A. Yes.

19 Q. Who is the check made out to?

20 A. Myself, Susan Bucci.

21 Q. Can you see the date?

22 A. Yes.

23 Q. What's the date?

24 A. 7-7-98.

25 Q. Where did you get that check?

Bucci - Direct

- 1 A. At my house, at 3801 West Middletown Road.
- 2 Q. Is that when you told me to come pick up the wagons?
- 3 A. Um-hum, yes, it was.
- 4 Q. Can you read -- you have the check. My handwriting's
- 5 tough, but what does it say on the bottom?
- 6 A. I can't read under the Bank One, but it's 600 -- I
- 7 can't read it. I'm sorry.
- 8 Q. Now, I'm going to take this off and hand this to you.
- 9 And I want you to read, if you can read my handwriting, is
- 10 this the check I handed you?
- 11 A. I believe it is.
- 12 Q. Now, can you read my handwriting? What does it say
- 13 there?
- 14 A. \$400 for two wagons -- yeah, two wagons, and \$600 for
- 15 something owed, I don't know.
- 16 Q. Okay. Fine.
- 17 A. And then my initials.
- 18 Q. You initialed that?
- 19 A. Yes.
- 20 Q. Did you have knowledge of barn damage at the
- 21 Traficant farm?
- 22 A. Yes.
- 23 Q. Do you have knowledge of discussions of lawsuits
- 24 relative to that barn?
- 25 A. Yes, I did with my husband.

Bucci - Direct

1 Q. Now, there were three brothers. How would you
2 describe the relationship between me and the three
3 brothers?

4 A. You were Dan's friend. You used to go riding bikes
5 at night together.

6 Q. What kind of bikes?

7 A. Motor cycles. You have a Trike, and Dan had a Harley
8 Southtown.

9 Q. What's a Trike?

10 A. A three-wheeler motorcycle.

11 Q. And how often would we do that?

12 A. Quite often in the summer, a couple nights a week, on
13 the weekends.

14 Q. How long is your driveway?

15 A. At the farm you mean?

16 Q. Yes.

17 A. It's almost a mile, about seven tenths of a mile.

18 Q. Does that include all the wide parking areas that you
19 have there?

20 A. No, just the length of it.

21 Q. That's your guesstimate?

22 A. Well, I know it's seven tenths of a mile because I
23 used to take the kids down to the bus every morning.

24 Q. Was there a deep dropoff on one side?

25 A. Oh, yes.

Bucci - Direct

1 Q. Was it very dangerous?

2 A. Yes.

3 Q. Now, were you familiar -- you said I was good friends
4 with your brother?

5 A. My husband.

6 Q. What, if any, knowledge do you have of me and Anthony
7 and Robert?

8 A. I don't think you liked them very well.

9 Q. Did you have occasion to call on me once about an
10 incident regarding a horse?

11 A. You mean a long time ago? Like before I even lived
12 at the farm?

13 Q. Yes.

14 A. Yes.

15 Q. What, if anything, did you ask of me? What, if
16 anything --

17 A. Well --

18 Q. Let me word it this way: Did you have a horse at
19 Anthony Bucci's farm?

20 A. Yes.

21 Q. Where was your horse kept at night?

22 A. In the old barn.

23 Q. Did you have a conversation with Anthony Bucci that
24 day?

25 A. Yes.

Bucci - Direct

1 Q. As a result of that conversation, what, if anything,
2 did you do with your horse that night?

3 A. Kept him out that night. Anthony asked if I would
4 mind if he would be able to leave him out in the pasture
5 that night.

6 Q. Was your horse normally kept in the barn at night?

7 A. Yes.

8 Q. What else was kept in that barn with your horse?

9 A. Dan's cattle and some farm equipment.

10 Q. Okay. The night -- was your horse turned out that
11 night?

12 A. Oh, yes.

13 Q. What happened the following morning?

14 A. The barn was burned down.

15 Q. Do you know if there was an insurance claim?

16 A. No, I don't.

17 Q. Did Dan ever come over and give me a hand?

18 A. Often, whenever he could.

19 Q. Did he bale hay one day?

20 A. Yes.

21 Q. Was it a lot of hay?

22 A. No. It was just a small amount that needed
23 finishing.

24 Q. Do you have knowledge of why he had to come over?

25 MR. SMITH: Objection. If it's not based on

Bucci - Direct

1 personal knowledge.

2 THE COURT: You can answer if you know.

3 Q. Do you have knowledge -- do you have knowledge that
4 my machinery had broken down?

5 A. Oh, yeah. And Dan came to finish it for you with our
6 equipment.

7 Q. Did it take very long?

8 A. No.

9 Q. Now, you said I baled hay. How many years did I bale
10 hay over at your farm?

11 A. Maybe about six or seven years.

12 Q. Who drove the tractor?

13 A. You did.

14 Q. Are you familiar with a tetter?

15 A. Yes.

16 Q. Who drove the tetter?

17 A. You did.

18 Q. Who did the baling?

19 A. You did.

20 Q. How many fields were there?

21 A. There were two hay fields. They were probably about
22 20, 25 acres total.

23 Q. You know what kind of fields they were?

24 A. Yes.

25 Q. What kind were they?

Bucci - Direct

- 1 A. Alfalfa fields.
- 2 Q. What's the difference between, if you know, alfalfa
- 3 and regular grass?
- 4 A. Alfalfa is a much richer, higher in whatever the --
- 5 the cows needed. It was more cattle grass.
- 6 Q. Did Dan ever come over to my farm to get straw?
- 7 A. Oh, yes.
- 8 Q. Did Dan ever come over to my farm to get hay?
- 9 A. Yes.
- 10 Q. Did Dan ever come to my farm to get sawdust?
- 11 A. Yes.
- 12 Q. Now, on or about the time that your husband was
- 13 gravely ill, did you have occasion to call me with a
- 14 concern?
- 15 A. Yes.
- 16 Q. What was that concern?
- 17 A. That Anthony and Robert wanted to take them to Costa
- 18 Rica for a liver transplant.
- 19 Q. Was there also some other concerns you had?
- 20 A. Yes, that they weren't going to take proper care of
- 21 him, and that they just wanted him to take the money out of
- 22 the bank so they could have it.
- 23 Q. So you called me about the money, didn't you?
- 24 A. Yes, I did.
- 25 Q. What, if anything, did I say to you?

Bucci - Direct

1 A. You told me to contact --

2 MR. SMITH: Objection. Objection as to what
3 he said.

4 Q. What, if anything, did you hear me say?

5 MR. SMITH: Objection.

6 THE COURT: That's the same thing, same
7 thing.

8 Q. What knowledge did you gain from having me give you
9 instructions?

10 MR. SMITH: Objection, same objection.

11 THE COURT: It's all the same objection. You
12 can rephrase it, Congressman.

13 Q. As a result of your conversation with me, what did
14 you do?

15 A. Went to the bank to check the safety deposit box.

16 Q. And what did you find in the safety deposit box?

17 A. Nothing.

18 Q. To your knowledge, was Anthony and Robert my friends?

19 A. Not to my knowledge, no.

20 Q. Who would contact me?

21 A. Dan.

22 Q. Now, was there a time when Anthony was in prison?

23 A. Yes.

24 Q. To your knowledge, who called and asked me to assist
25 him?

Bucci - Direct

- 1 A. My husband, Dan.
- 2 Q. Do you know if Tony got helped?
- 3 A. Yes.
- 4 Q. Do people fear me back home?
- 5 A. It's hard -- I don't know. I don't. I consider you
- 6 a friend.
- 7 Q. Do you have immunity?
- 8 A. Immunity from -- no.
- 9 Q. You know what immunity means?
- 10 A. No, I guess I don't. I don't think I have it.
- 11 Q. When you had a problem in your family, would you call
- 12 me?
- 13 A. I would.
- 14 Q. And as a result of those conversations, would you be
- 15 helped?
- 16 A. I think most of the time, yes.
- 17 Q. Now, when you said you had concerns about being up
- 18 here, exactly what concerns do you have?
- 19 A. Well, it's -- I mean, it's not a fear. It's kind of
- 20 an apprehension. You know, I have children that are
- 21 married with families, and I don't want them -- their
- 22 uncles and their father's doings to -- fall back on them
- 23 and have to worry about looking over their shoulder all the
- 24 time because it's hard enough for them right now.
- 25 Q. Now, when I gave you that check for a thousand

Bucci - Cross/Smith

1 dollars, did I have to give you any money for those wagons?

2 A. No, no. Dan wanted to give them to you.

3 Q. What was your financial condition at the time?

4 A. I didn't have one. I had nothing. Well, I was
5 working. I shouldn't say I had nothing. I was working
6 part-time in a gas station for minimum wage. My -- about
7 ten hours a week.

8 MR. TRAFICANT: No further questions at this
9 time.

10 THE COURT: Thank you.

11 CROSS-EXAMINATION OF SUSAN BUCCI

12 BY MR. SMITH:

13 Q. Mrs. Bucci, good morning.

14 A. Good morning.

15 Q. We've never met, right?

16 A. No.

17 Q. You've never met Mr. Morford sitting down there; is
18 that correct?

19 A. No.

20 Q. You never met Mr. Kall either; is that correct?

21 A. I don't think so.

22 Q. When specifically did you move to the farm located
23 across the street from the Congressman's farm, what year
24 was that?

25 A. 1988.

Bucci - Cross/Smith

1 Q. And the payment that the Congressman showed you did
2 not occur until 1998; is that correct?

3 A. Correct.

4 Q. And that was for some wagons your husband had, right?

5 A. Right.

6 Q. That was not in payment for any work that had been
7 done over the Congressman's farm, was it; it was for
8 specific items listed on that check, correct?

9 A. Well, it -- it was -- he said, oh, he just put it
10 down so that I would have the money, and it would be money
11 that if he ever owed me any money, anything --

12 Q. \$400 of that was for the wagon, correct?

13 A. Correct.

14 Q. So \$600 was for anything else, correct?

15 A. Correct.

16 Q. And you are not able to identify, as you sit here
17 today, what that anything else would be, right?

18 A. No. It was more of a farmer type relationship where
19 they -- we just do things for neighbors.

20 Q. You said the Congressman cut some hay at your farm;
21 is that right?

22 A. Um-hum.

23 Q. On your property, correct?

24 A. Correct.

25 Q. Did he ever get any of that hay or alfalfa to take

Bucci - Cross/Smith

1 back to his place?

2 A. No. Most of the time it was later in the year, and
3 we used it for bedding, or Dan would feed it out in the
4 field to the cattle. It was just mostly to clean up the
5 field so it would -- winter over.

6 Q. Did you go across the street to the Congressman's
7 farm very often?

8 A. Not very often. Myself, no.

9 Q. Do you see -- did you personally observe any
10 improvement work being done over on the farm?

11 A. Sure, always improving.

12 Q. And did you ever see any employees of Anthony Bucci
13 and Robert Bucci over at the farm doing work over there?

14 A. I never did, no.

15 Q. So you don't know what work may have been done by
16 Anthony Bucci or Robert Bucci's employee over at the farm;
17 is that right, at the Congressman's farm?

18 A. Not what I've seen, just what my husband would tell
19 me they were doing.

20 Q. And you have no personal knowledge of any
21 arrangements that Anthony Bucci and the Congressman had
22 made with respect to any such work that Anthony Bucci's
23 employees were doing at the farm, right?

24 A. I wouldn't know of Anthony's business, no.

25 Q. You were not present for any meetings that the --

Bucci - Cross/Smith

1 that Anthony Bucci may have had in late 1980s with the
2 Congressman over at the farm, were you?

3 A. No.

4 Q. You weren't present for any meetings that Anthony
5 Bucci may have had with Charles O'Nesti and the Congressman
6 about the farm, were you?

7 A. No.

8 Q. Now, you referred to the -- to the bank box. Is that
9 a safe deposit box?

10 A. Yes.

11 Q. And your husband was still alive when you went to
12 open that safe deposit box, correct?

13 A. Yes.

14 Q. You have -- I'm sorry?

15 A. Yes.

16 Q. And you have no personal knowledge as to who put
17 things into that box or took them out, correct?

18 A. My husband, my son, my youngest son had access to the
19 box.

20 Q. All right. Your husband and your son had access to
21 the box, correct?

22 A. Yes.

23 Q. Over at the farm, did you see any cement being poured
24 in any of the barn floors over at the farm? Did you ever
25 observe that?

Bucci - Cross/Smith

- 1 A. No.
- 2 Q. So you have no idea who did or didn't do it, correct?
- 3 A. Correct.
- 4 Q. Or the -- or the arrangements that were made with
- 5 financial arrangements, if any, of prospective pouring of
- 6 the barn floor of cement, right?
- 7 A. Right.
- 8 Q. Did you see pipe being laid in the ground between the
- 9 house and the barn or in the barns?
- 10 A. No.
- 11 Q. So you have no idea what arrangements were made with
- 12 respect to doing that work either, correct?
- 13 A. Correct.
- 14 Q. Did you see grading work being done around the barn
- 15 area by anybody?
- 16 A. No.
- 17 Q. And so if that was done, you don't have any knowledge
- 18 about those arrangements either, correct?
- 19 A. Not of the arrangements, no.
- 20 Q. Did you see an addition at any time being built on
- 21 the back of the farmhouse?
- 22 A. No.
- 23 Q. And so you would not have any knowledge about any
- 24 arrangements that were made with respect to the building of
- 25 that addition, if there is one, correct?

Bucci - Cross/Smith

1 A. Correct.

2 Q. Or who paid for it. You have no knowledge about that
3 either, would you?

4 A. No.

5 Q. Have you ever gone over to the Congressman's house on
6 Main Street in Poland?

7 A. No.

8 Q. And so if there was any work done in the garage at
9 that location, you wouldn't have any knowledge about that
10 either, would you?

11 A. No, I would not.

12 Q. Or who paid for any such work there, correct?

13 A. No.

14 MR. TRAFICANT: Objection. Asked and
15 answered three times.

16 THE COURT: Overruled.

17 BY MR. SMITH:

18 Q. Mrs. Bucci, did you ever observe any farm machinery
19 being taken off of the farm on a flatbed truck?

20 A. My farm?

21 Q. No, I'm sorry. I'll rephrase. Did you ever see any
22 equipment being removed from Congressman Traficant's farm
23 on a flatbed truck?

24 A. No. We lived like way back. I mean, you could even
25 hardly see his farm from my house.

Bucci - Cross/Smith

1 Q. So you would have no idea of any arrangements that
2 were made with respect to such equipment being moved and
3 who paid for that or not either, correct?

4 A. Correct.

5 Q. Now, you mentioned you have -- withdrawn.

6 You have no knowledge, I take it, about Anthony
7 Bucci's, Robert Bucci's, and your husband, Daniel Bucci's,
8 relationship with the Ohio Department of Transportation, do
9 you?

10 A. No, just from -- I don't know personally, just what
11 my husband would tell me when he would come home from work.

12 Q. And you know nothing about any contacts that may have
13 been made by the Congressman on behalf of any of the Bucci
14 companies with ODOT, do you?

15 A. I do of one project, I know. They were having a real
16 hard time getting the -- that one particular project done,
17 6680, I think it was.

18 Q. All right. And the Congressman helped the Bucci
19 companies with respect to ODOT on that work?

20 A. I do believe he did.

21 Q. You know anything about a Mosquito Lake project that
22 the Bucci brothers were involved with?

23 A. No.

24 Q. You know anything about any contacts that may have
25 been made by the Congressman on behalf of the Bucci

Bucci - Cross/Smith

1 companies with the U.S. Department of Transportation?

2 A. No.

3 Q. Are you aware of any contacts that the Congressman
4 may have made on behalf of the Bucci companies to the U.S.
5 Department of Labor?

6 A. No, I would not know that.

7 Q. Do you know anything about any contacts that the
8 Congressman may have had on behalf of any of the three
9 Bucci brothers with the U.S. Bureau of Prisons?

10 A. Yes.

11 Q. Okay. Well, what do you know -- let me ask you this:
12 How do you know? What is the source of your knowledge?

13 A. Well, the Congressman and my husband would have
14 meetings at my house, and Dan would ask him to see what he
15 could do to get Tony out of the prison that he was in.

16 Q. So the Congressman, in your presence, was asked by
17 Dan Bucci to help get Anthony Bucci out of prison, right?

18 A. Well, get him moved to the halfway house in
19 Youngstown, closer to his family.

20 Q. And the Congressman -- what did the Congressman say
21 to Dan Bucci when Mr. Dan Bucci made that request?

22 A. He said --

23 MR. TRAFICANT: Objection for the record
24 only.

25 THE COURT: Okay. Go ahead.

Bucci - Redirect

1 THE WITNESS: Go ahead and answer the
2 question?

3 THE COURT: Um-hum.

4 THE WITNESS: He said that he would do what
5 he could and make some phone calls and would get back with
6 Dan.

7 Q. So the Congressman agreed to try to help with U.S.
8 Bureau of Prisons and the Community Corrections
9 Association, right?

10 A. Correct.

11 Q. On behalf of Anthony Bucci, correct?

12 A. Well, I would think for my husband.

13 Q. Your husband wasn't in jail, was he?

14 A. No, but it was his brother.

15 Q. Tony Bucci was the one in jail, right?

16 A. Correct.

17 MR. SMITH: May I have a moment, your Honor?

18 THE COURT: Yes.

19 MR. SMITH: No further questions, your Honor.

20 THE COURT: Congressman.

21 REDIRECT EXAMINATION OF SUSAN BUCCI

22 BY MR. TRAFICANT:

23 Q. Susan, you were asked a number of questions. First
24 of all about the \$400 and \$600 --

25 A. Yes.

Bucci - Redirect

1 Q. -- did you expect to get any money for those wagons?

2 A. No, I did not.

3 Q. What, in fact, was that thousand dollars?

4 A. Just to help me out with having to move and getting
5 readjusted after Dan's death.

6 Q. Now, they asked you a lot of questions about the
7 farm. Isn't it a fact you had knowledge about a lawsuit
8 that was being discussed against the Buccis?

9 A. Yes, I did.

10 Q. And who was suing whom? Who was to sue whom?

11 A. I know Anthony came over one day talking to Dan,
12 telling him to talk to you because he was afraid that
13 you -- you would want them to redo the damage that they had
14 done when the sidewalk caved in.

15 Q. Did the barn almost fall in?

16 A. To my knowledge, yes.

17 Q. Did I sue them?

18 A. No.

19 Q. Now, the time and safe deposit box, who was talking
20 to your husband about taking the money from the safety
21 deposit box?

22 A. Anthony and Robert.

23 Q. There come a time when your husband left with Anthony
24 and Robert and left you?

25 A. Yes.

Bucci - Redirect

1 Q. How long before he died did he leave you?

2 A. Just about a week, about seven -- six days.

3 Q. Did you ever get any advice to contact an attorney
4 about these guys?

5 A. Yes.

6 Q. About Anthony and Robert?

7 A. Yes.

8 Q. Who gave you that advice?

9 A. You did.

10 Q. Did you contact an attorney?

11 A. No, I did not.

12 Q. You wish you did now?

13 A. Yes.

14 Q. Now, the Government asked you about Tony going to a
15 halfway house. Was it Tony who asked, or was it Dan who
16 asked?

17 A. I would say it was Dan because he really hadn't seen
18 Tony much, and I know it was a hardship on Tony's family,
19 and we were taking care of them at the time.

20 Q. You know if I did that for other people?

21 MR. SMITH: Objection unless she has personal
22 knowledge.

23 THE COURT: Well, she can answer if she does.
24 And if she doesn't, you can say.

25 THE WITNESS: I don't have personal knowledge

Bucci - Redirect

1 of it, but as a --

2 MR. SMITH: Objection, she doesn't, she
3 doesn't.

4 THE COURT: Okay.

5 BY MR. TRAFICANT:

6 Q. Was I known to help all people?

7 A. Yes.

8 Q. Did I treat you any different than anybody else?

9 A. I hope not.

10 Q. Now, when I was out there on that wagon or on that
11 tractor, what, if anything, would you do on occasions?

12 A. Fix you lunch, breakfast, bring you beverages.
13 That's what I did, the food.

14 Q. Was Dan and I real close?

15 A. I think you were.

16 Q. Are Anthony and Robert, are they trustworthy?

17 A. No.

18 Q. Is there anyone who's ever told you that?

19 A. Yes, several people, including yourself.

20 Q. Isn't it a fact when the Buccis had problems, they
21 would talk with your husband?

22 A. Usually.

23 Q. When it concerned me?

24 A. Yes, always. I guess I don't know all of it. There
25 were other times that I don't know about but quite often.

Ferrante - Direct

1 Q. Where would the three brothers meet at your farm?

2 A. In my kitchen.

3 Q. Where would you be?

4 A. In the kitchen.

5 Q. Do you have knowledge that I ever recommended that
6 the Bucci brothers be fired from a job?

7 A. No, I don't.

8 MR. TRAFICANT: No further questions.

9 THE COURT: Thank you.

10 MR. SMITH: No questions.

11 THE COURT: Thank you very much. You're
12 excused.

13 THE WITNESS: Thank you.

14 THE COURT: Careful on the steps going down.

15 THE WITNESS: Thank you.

16 SANDRA FERRANTE,
17 of lawful age, a witness called by the Defendant,
18 being first duly sworn, was examined

19 and testified as follows:

20 DIRECT EXAMINATION OF SANDRA FERRANTE

21 BY MR. TRAFICANT:

22 Q. Would you please give your name, and spell your last
23 name for the record?

24 A. Sandy, Ferrante, F-E-R-R-A-N-T-E.

25 Q. What is your current address?

Ferrante - Direct

1 A. 671 Meyer -- I'm nervous -- excuse me. Meyer Avenue,
2 Boardman, Ohio.

3 THE COURT: Let me fix this water for you
4 because all witnesses are nervous. There, you can pour
5 whenever you want to.

6 BY MR. TRAFICANT:

7 Q. Sandy, do you have immunity for being here?

8 A. No, sir.

9 Q. Do you know what immunity is?

10 A. Yes, sir.

11 Q. What does immunity mean?

12 A. It means that whatever you say isn't held against
13 you.

14 Q. If you have immunity?

15 A. If you have immunity, yes.

16 Q. And if you don't have immunity?

17 A. You're on your own with what your own honest
18 testimony -- or testimony, rather?

19 Q. How long have you lived at 671 Meyer Avenue?

20 A. Two months.

21 Q. Are you married?

22 A. No, sir.

23 Q. What is the status of your husband's health?

24 A. Very poor.

25 Q. Could you describe what the medical problems were to

Ferrante - Direct

1 cause his situation to be poor?

2 A. He had open heart surgery, triple bypass, and
3 following that, he had two -- two strokes, a light stroke
4 and a major stroke.

5 Q. Now, are you my girlfriend?

6 A. No, sir.

7 Q. Are you my dear friend?

8 A. Yes, sir.

9 Q. Did we enjoy a common passionate relationship?

10 A. Yes, sir.

11 Q. Were you one of the most renowned -- were you known
12 for one specific talent above all else?

13 A. Yes. I enjoyed showing horses.

14 Q. How many world championships have you won?

15 A. 13.

16 Q. Did you have exceptional citations for such
17 performance?

18 A. Yes, sir.

19 Q. Were you ever recognized on national television?

20 THE COURT: Speak up.

21 THE WITNESS: I'm sorry.

22 Q. Were you ever recognized on national television?

23 A. Yes, sir.

24 THE COURT: Congressman, they can't hear her.

25 THE WITNESS: I'm sorry.

Ferrante - Direct

1 Q. Were you ever recognized on national television for
2 such?

3 A. Yes, sir.

4 Q. Explain what that was.

5 A. I was asked to be on To Tell the Truth, and I was the
6 one they were to identify. And I also was asked to be the
7 Grand Marshal at the Rose Bowl Parade.

8 Q. Now, whose horse here are you riding?

9 A. Your horse.

10 Q. And what is his name?

11 A. Tuxedo Park.

12 Q. And what is the difference between a show horse and a
13 racing horse?

14 A. A show horse is a saddle bred, is a very animated,
15 proud carousel type horse that is -- has to have a lot of
16 extreme motion, brilliance, and proudness. A race horse
17 runs.

18 Q. A race horse crosses the finish line, he wins?

19 A. He wins.

20 Q. But this is up to the judge, isn't it?

21 A. Yes, sir.

22 Q. How many world championships did you win with my
23 stallion?

24 A. Five.

25 Q. Now, what am I pointing to here?

Ferrante - Direct

- 1 A. His knee.
- 2 Q. Did this horse have a fault?
- 3 A. Yes.
- 4 Q. What was that fault?
- 5 A. He was very nervous at horse shows.
- 6 Q. For example, what happened at the Ohio State Fair
- 7 Horse Show?
- 8 A. Well, that was one of his first shows. We took --
- 9 had taken him to -- and he was very, very nervous, and he
- 10 climbed the walls and got his front feet hooked over the
- 11 top of the -- very top board, and the fire department had
- 12 to come and take him off to help get him down.
- 13 Q. Was he thrown off the grounds at certain places?
- 14 A. Yes, in Kansas City.
- 15 Q. Did he have to stay in a trailer?
- 16 A. For nine days.
- 17 Q. Who took him to the shows?
- 18 A. My ex-husband and I.
- 19 Q. How did you get him to the shows?
- 20 A. In your trailer and your camper.
- 21 Q. What kind of camper was it?
- 22 A. You had a truck camper that fit on top of your truck.
- 23 Q. Was it permanently attached, or did it slip in?
- 24 A. It was a slip in.
- 25 Q. Did I pay for the expenses?

Ferrante - Direct

- 1 A. Yes.
- 2 Q. Did you charge me all the expenses?
- 3 A. You paid for the gas, and my ex-husband would -- you
- 4 know, he was always proud. He paid what he could, you
- 5 know, paid for it.
- 6 Q. For the meals?
- 7 A. Yes.
- 8 Q. Did he on occasion -- would you stay at a motel
- 9 because it was small?
- 10 A. Yes, sir.
- 11 Q. Was I offered a lot of money for this horse?
- 12 A. Yes, sir.
- 13 Q. What was I offered?
- 14 A. \$50,000.
- 15 Q. Did we have discussions about that horse?
- 16 A. Yes, sir.
- 17 Q. As a result of those discussions, what did you
- 18 advise?
- 19 A. Well, I loved him, and he -- he became very close to
- 20 my heart, and I advised you not to sell him.
- 21 Q. Why?
- 22 A. Well, he acted up at shows, and we couldn't
- 23 truthfully sell him as an amateur horse. We both discussed
- 24 it. We didn't want to worry if someone couldn't ride him
- 25 because he was very temperamental. You get him on one

Ferrante - Direct

1 time, and he'd buck around, buck, kick his feet, and he
2 showed bad at shows. You couldn't hardly keep him in the
3 stall.

4 Q. Isn't it a fact when you showed this horse, that he
5 was half the horse he was in the barn back home?

6 A. Yes, sir.

7 Q. And why was that?

8 A. Because he left his -- most of his shows, in his
9 stall, he'd get worked up and always hot, and he was so
10 nervous, and he never was to his full potential.

11 Q. Who made the final decision not to sell the horse?

12 A. You did.

13 Q. Could somebody have gotten hurt with that horse?

14 A. A good possibility.

15 Q. And could that horse have turned out to be a nothing?

16 A. He could have.

17 Q. Isn't it a fact it took everything you did to keep
18 that horse in the ring?

19 A. Yes, sir.

20 Q. Sandy, at the time you showed that horse, how much
21 did you weigh?

22 A. 220 pounds.

23 Q. Now, there's an elaborate saddle. What is that
24 saddle made out of?

25 A. Sterling silver.

Ferrante - Direct

1 Q. Who saddled -- who owns this saddle and all of this?

2 A. I did.

3 Q. Who bought it for you?

4 A. My mother and father.

5 Q. What kind of saddle is that?

6 A. It's a parade saddle.

7 Q. Made by whom?

8 A. By Holt Company in Allentown, Pennsylvania.

9 Q. Did your mother have a nickname?

10 A. Turnpike.

11 Q. Turnpike. Why did she have that nickname?

12 A. Because we used to travel up and down the road a lot
13 and did a lot of shows.

14 THE COURT: Congressman, we need a number for
15 that, for the record.

16 MR. TRAFICANT: I don't have a Defendant's
17 Exhibit. Could we just make it SBF-1.

18 THE COURT: Fine.

19 Q. What was your maiden name?

20 A. Brownley.

21 Q. Now, Sandy, did you have any misdemeanor charges
22 against you?

23 A. Yes. I was picked up for shoplifting.

24 Q. You remember the last time you were picked up?

25 A. Yes, sir.

Ferrante - Direct

1 Q. Do you know who helped you?

2 A. Well, Chuck O'Nesti said he'd help me, but basically,
3 you did.

4 Q. How -- who picked you up from the jail?

5 A. You did.

6 Q. How many days did you spend in jail?

7 A. One day.

8 Q. What, if anything, happened when I picked you up at
9 jail that morning?

10 A. We stopped and had breakfast, and you told me that --

11 MR. MORFORD: Objection as to what the
12 Congressman told her. That's something that he would have
13 to testify to.

14 Q. As a result of having that breakfast, have you had
15 any more offenses?

16 A. No. Oh, no.

17 Q. Do you know who was responsible for keeping you in
18 jail that night?

19 A. You were.

20 Q. Did you know Chuck O'Nesti?

21 A. Yes, sir.

22 Q. Did you see me give Chuck O'Nesti money?

23 A. No, sir.

24 Q. I am going to ask you that again. Did you see me
25 give --

Ferrante - Direct

- 1 A. I didn't see Chuck --
- 2 Q. Yes. I didn't ask if you saw Chuck.
- 3 A. I'm sorry.
- 4 Q. Did you see me give Chuck O'Nesti money?
- 5 A. Yes, I did.
- 6 Q. On how many occasions?
- 7 A. Well, I'd say probably over what period of time?
- 8 Q. How many years you live out there?
- 9 A. Seventeen years.
- 10 Q. How many times did you see --
- 11 A. Several times, several times.
- 12 Q. -- me give Chuck money?
- 13 Did you ever give Chuck money?
- 14 A. Yes, I did.
- 15 Q. Why did you give Chuck money?
- 16 A. Because he said I had board money there for my
- 17 ex-husband's horses and my horses, and he came to the farm
- 18 and said he needed -- if you had left any money for him,
- 19 and I said no, sir, you didn't. And he needed money. So I
- 20 had some board money there.
- 21 Q. How much board money did you have?
- 22 A. There was a thousand dollars. It would have been a
- 23 month's board.
- 24 Q. What was your board money per month?
- 25 A. \$500.

Ferrante - Direct

1 Q. Why didn't you give him the \$500?

2 A. Because I talked to you at that time, and you told me
3 just to go ahead and give him the thousand, and that I
4 didn't -- we didn't owe the next two months board.

5 Q. Now, you didn't know -- you didn't owe the next two
6 months board?

7 A. Right.

8 Q. What was your board money per month?

9 A. \$500 per month.

10 Q. And why would you have two months in advance?

11 A. Well, because my ex-husband sometimes would leave
12 that amount of money.

13 Q. Did you have an experience prior that caused him to
14 leave money like that?

15 A. Yes, sir, we did.

16 Q. Explain it to the jury.

17 A. We had horses for years together. And we had moved,
18 in the process was moving, and we had gone to Kentucky for
19 the championships, and we had sold the farm up in Richfield
20 where we lived. And we boarded them for a short time until
21 we could get our own facilities again.

22 And during this time we were gone, we were like five
23 or seven days away, and I can't remember exactly how late
24 we were on paying the board, and the man confiscated our
25 horses and did it like a sheriff's sale. The bill of sale,

Ferrante - Direct

1 everything within one day. And we lost our horses.

2 We lost 14 head, and from that time on, he -- you
3 know, as far as ever being late, forget it, we were never
4 late.

5 Q. Sandy, are you familiar with Anthony, Robert, and Dan
6 Bucci?

7 A. Yes, sir.

8 Q. Where did Dan live?

9 A. He lived across the street from the farm.

10 Q. How would you describe your relationship between
11 myself and Dan?

12 A. I would say you were very good friends.

13 Q. Would we do things together?

14 A. Um-hum.

15 Q. Would he come over to the farm?

16 A. Yes.

17 Q. Would I go over to his farm?

18 A. Yes, sir.

19 Q. Did you ever see us do anything unusual together in
20 the evenings?

21 A. Yeah. You had your Trike, and he had his Harley, and
22 you'd go out riding together, and sometimes you'd meet and
23 have coffee.

24 Q. Do you remember a time when there was damage to the
25 barn?

Ferrante - Direct

- 1 A. Yes.
- 2 Q. To a barn? What barn was it?
- 3 A. It was the bank barn.
- 4 Q. What's the bank barn?
- 5 A. A bank barn is a big barn, two-story, usually built
6 on the side of a hill.
- 7 Q. So you could do what?
- 8 A. So you could drive up the hill into the top portion
9 of the barn.
- 10 Q. For purposes of doing what?
- 11 A. I would say for when you unload hay, makes it easier.
12 You could just back your hay wagons in, and you don't have
13 a problem.
- 14 Q. Okay.
- 15 A. That's what I call it.
- 16 Q. What, if anything, happened to the barn?
- 17 A. The wall caved in.
- 18 Q. Was it a minor damage or a major damage?
- 19 A. It was a major damage I would say.
- 20 Q. Did you have occasion to see anybody jack up the
21 barn?
- 22 A. Yes.
- 23 Q. What portion of the barn was jacked up, if you
24 recall?
- 25 A. It was the -- the northwest side of the barn. There

Ferrante - Direct

1 was damage done to that whole side that they jacked it up
2 on the northwest of the far end of the barn.

3 Q. Who jacked it up? Do you remember?

4 A. There was fellows there, I don't -- no, I don't
5 recall.

6 Q. Was he there with me?

7 A. They had come out with you, but I don't know --

8 Q. They came out later?

9 A. Through the present when they jacked it up or not, I
10 couldn't answer that because I wasn't there. I just saw
11 you come in.

12 Q. But I was present when he came?

13 A. Um-hum.

14 Q. Are you an engineer?

15 A. No, sir.

16 THE COURT: Can you speak up?

17 THE WITNESS: No, sir.

18 Q. In your opinion, would the barn have fallen if it was
19 not jacked up?

20 A. Yes, sir.

21 Q. Were you worried for the horses?

22 A. Very much so.

23 Q. Did we move horses?

24 A. Yes, sir.

25 Q. Do you know who did that damage?

Ferrante - Direct

1 A. The Buccis.

2 Q. Did you have conversation with the Buccis about that
3 condition of the barn?

4 A. Yes, sir.

5 Q. As a result of that conversation, what, if anything,
6 did you determine?

7 A. I determined that they were worried that you were
8 really going to be upset because of the damage done,
9 because they had been told, in my presence from you that
10 you --

11 MR. MORFORD: Objection to anything they were
12 told by the Congressman as hearsay, your Honor.

13 THE WITNESS: I'm sorry. Okay.

14 THE COURT: Um-hum.

15 Q. Only what you know.

16 A. Okay.

17 Q. Do you know why the concrete was being removed in the
18 big -- in the bank barn downstairs?

19 A. Yes.

20 Q. Why?

21 A. Because it was to lower the floor and also for safety
22 precaution so that the stalls weren't that high.

23 Q. Was not the bottom of the -- what was the bottom of
24 it usually used for in the old days, do you remember?

25 A. It was for cows.

Ferrante - Direct

1 Q. You know what kind of cows?

2 A. No. They're just cows.

3 Q. Are they as tall as horses?

4 A. No, sir.

5 Q. Are saddle bred horses big horses?

6 A. Yes, sir.

7 Q. Do you know who owned the farm, Sandy?

8 A. While I was there, yes, sir.

9 Q. Back then, who owned the farm?

10 A. Your father.

11 Q. Why do you say it was my father?

12 A. Because he told me.

13 Q. Did you meet often with my father?

14 A. Quite often.

15 MR. MORFORD: I'm sorry. I didn't hear the
16 last question.

17 THE WITNESS: Quite often.

18 Q. What time of the day would you meet with my father?

19 A. He would stop in early in the morning, 6:30, 6:00
20 sometimes. I was an early riser, and we'd go have coffee.

21 Q. Were you close friends of my father?

22 A. I loved your father.

23 Q. Did you know what my father did after he had
24 breakfast?

25 A. Yes. Sometimes I would go with him. We'd go off to

Ferrante - Direct

1 visit your mother's grave. I'd be right along with him.
2 He'd talk, always put flowers on the grave almost every
3 single day.

4 Q. Did there come a time my father was going to move
5 into the farm?

6 A. Yes, sir.

7 Q. Did he move into the farm?

8 A. No, sir.

9 Q. What, in fact, occurred?

10 A. Well, I offered to have him move in with me, because
11 I really didn't have an extra bedroom and told him we could
12 take the living room, make him a bedroom because he had
13 sold his property, but he had met a real nice lady friend
14 that I had known for years, and he decided to move in with
15 her.

16 Q. Do you know if he rented over there?

17 A. He rented, yes. He got a place, separate dwelling,
18 but he rented there.

19 Q. Did he still come to visit you?

20 A. Oh, yes.

21 Q. Do you know a man named Pete Bucheit?

22 A. I met him one time.

23 Q. Describe how you met Pete Bucheit?

24 A. Your father introduced us.

25 Q. Were you in their presence? Were you close to him?

Ferrante - Direct

1 Did they introduce you?

2 A. Yes, sir.

3 Q. Where were you when they introduced -- when you
4 met --

5 A. It was down by the barn, by the first barn. It was
6 down the driveway within -- from the middle of the driveway
7 to the very first barn.

8 Q. What were they looking at?

9 A. Well, they were looking everywhere, but they were
10 primarily looking at the foundation wall of the back of the
11 house where the deck was.

12 Q. Was there something wrong with the deck?

13 A. Yeah, it was bad back there. It was the bottom
14 portion of it needed repairing.

15 Q. Now, was there a two-story deck with a roof on it?

16 A. Yes.

17 Q. When they looked at it?

18 A. Yes, sir.

19 Q. As a result of them looking at that, what is the next
20 thing that happened?

21 A. Well, pretty soon they started to come out and repair
22 it.

23 Q. What did they repair first?

24 A. I think the bottom portion. And they put -- your
25 father and I used to talk, and I -- may I speak freely, or

Ferrante - Direct

1 I just have to answer directly? How does that go?

2 Q. Why don't you just answer my questions?

3 A. Okay.

4 Q. You can speak freely, but just answer my questions.

5 A. Okay.

6 Q. Did they do the bottom first, the pillars underneath?

7 A. Yes, yes.

8 Q. Did you have a conversation with my father after
9 that?

10 A. Yes, I did.

11 Q. As a result of that conversation, what happened?

12 A. They started to close in a portion of the right side
13 of the deck, the top roof, and put some boards around it,
14 the top of it. I don't know what you'd call it.

15 Q. Do you have personal knowledge of me coming back and
16 seeing that work done?

17 A. Yes.

18 Q. What, in fact, effect did my comments have on you?

19 A. You wasn't real happy about it, and how did I feel
20 about it? I wanted it closed in. I asked him if he'd
21 close it in so that we'd have a little privacy there. You
22 objected because you wanted --

23 MR. MORFORD: Objection to what the
24 Congressman said, your Honor. Again, we've been over this.

25 Q. Sandy, would you ask the workers out there to do

Ferrante - Direct

1 certain things?

2 A. Um-hum, yes.

3 Q. Would they do them?

4 A. No.

5 Q. Who would you talk to?

6 A. Your father.

7 Q. As a result, what, if anything, happened?

8 A. Well, things got done.

9 Q. Do you know if I had conversations with those workers
10 about those things?

11 A. I would say after you talked with your dad or whoever
12 you talked to. You seemed to know what was going on.

13 Q. Were those workers there full-time for six months?

14 A. No. They were there off and on. Sometimes they'd
15 be -- they'd be there maybe three or four days, and other
16 times you didn't see them for awhile, maybe two weeks to
17 three weeks sometimes.

18 Q. Sandy, when was the first time you met with the FBI?

19 A. When they played the tapes for me or played a tape
20 for me.

21 Q. As a result of them having played that tape, what
22 happened to our relationship?

23 A. I was mad. I didn't like you anymore; didn't want
24 anything to do with you.

25 Q. Did you have occasion to call anyone?

Ferrante - Direct

- 1 A. I called you.
- 2 Q. What, if anything, did you say?
- 3 A. I told you I couldn't understand after 17 years of
- 4 having a wonderful friendship, being my very best friend,
- 5 that you would have -- try to have anything -- any harm
- 6 done to me, and I couldn't believe it. And I read you off,
- 7 and I said everything I could say to you out of meanness
- 8 that I was feeling.
- 9 Q. Did you swear?
- 10 A. Oh, I might have. I can't exactly --
- 11 Q. Did you cry?
- 12 A. Oh, yes, I was crying the whole time because I was
- 13 hurt. My heart was hurt.
- 14 Q. Did you hear my voice on the tape?
- 15 A. Yes -- oh, no, no. No, I thought you meant talking
- 16 to you, what was your reaction. I'm sorry.
- 17 Q. When you heard this tape?
- 18 A. Yes.
- 19 Q. Did you at some point make a public statement?
- 20 A. Yes, sir, I did.
- 21 Q. Who encouraged you to make that public statement?
- 22 A. Well, it was kind of a -- I had talked to one of the
- 23 FBI agents, and I said -- I couldn't understand -- I was --
- 24 I was very scared. This really startled me because I was
- 25 never in a situation that I had to fear for my life because

Ferrante - Direct

1 I never had -- was around people and I had to worry about
2 things like that.

3 And the Dan Ryan show was on, and I was talking to an
4 agent that day from the FBI's agency, and I said I wonder
5 what I should do, and it was -- it was a -- I can't express
6 myself.

7 I said I wonder what I should do. Well, sometimes he
8 said if you go public, that it's better for you because you
9 don't have to worry. Then the heat is off of you. So I
10 decided at that moment I would go public and say what I had
11 to say.

12 Q. And what did you basically say?

13 A. I said I could not understand why you would want to
14 hurt me or harm me in any way.

15 Q. Did you ever ask the FBI on that first tape who was
16 it that wanted to hurt you?

17 A. Well, I heard the tape.

18 Q. And what did they say when you asked them? Did you
19 ask them any other questions about that tape?

20 A. I had them play that tape twice because I couldn't
21 hear what -- I could not believe what I was listening to.

22 Q. And what, if anything, did they say to you?

23 MR. MORFORD: Objection, hearsay.

24 Q. As a result of listening to that tape, whom did you
25 fear?

Ferrante - Direct

- 1 A. I feared you. And I feared Clarence Broad.
- 2 Q. Okay. The FBI do anything to protect you?
- 3 A. Yes. I was put into protective custody, taken away
- 4 in protective custody.
- 5 Q. Where were you taken?
- 6 A. To Louisville, Kentucky.
- 7 Q. Why were you taken to Louisville?
- 8 A. That was my choice. I could have gone -- they would
- 9 have taken any place, but I had a girlfriend that lived
- 10 there, and we were very close, and I felt secure there.
- 11 Q. Did they pay for your flights?
- 12 A. Yes, sir.
- 13 Q. Did you have any dogs?
- 14 A. Yes, I had two dogs.
- 15 Q. Did the Government pay to keep your dogs in kennels?
- 16 A. Yes, sir.
- 17 Q. How much did they pay to keep your dogs in kennels?
- 18 A. Originally \$750. I think I went back and got a few
- 19 other dollars because it was a little bit more money than
- 20 that. I can't -- I think it was \$750 and then maybe \$50
- 21 more.
- 22 Q. Did you have four horses on somebody's property?
- 23 A. Yes, I had --
- 24 Q. Whose property were the four horses on?
- 25 A. Yours.

Ferrante - Direct

1 Q. Did the Government, to the best of your knowledge,
2 did I get paid for that?

3 A. No, sir.

4 Q. Do you still own those horses?

5 A. Yes, sir.

6 Q. Did I allow you to take them?

7 A. Pardon me?

8 Q. Did I allow you to take them without paying for them?

9 A. Well, I -- I chose the last two months not to pay the
10 board on those horses because I was angry with you and for
11 what I was going through. I took the horses.

12 Q. Were you ever advised to sue me?

13 A. No, sir.

14 Q. Now, who paid for your expenses in Kentucky?

15 A. I did and my friend.

16 Q. Were you reimbursed by the Government?

17 A. No, sir.

18 Q. Who provided the food?

19 A. Well, I got some money from -- I had -- my ex-husband
20 sent me some money and my friend.

21 Q. And the Government didn't reimburse you for your
22 food?

23 A. No, sir.

24 Q. Did they fly you to Cleveland to the Grand Jury?

25 A. Yes, sir.

Ferrante - Direct

1 Q. How many times?

2 A. Well, they flew me to Kentucky. I was in Kentucky.
3 They flew me here to Cleveland. I stayed -- my ex-husband
4 and I stayed here, and they flew me back to Kentucky.

5 Q. Did they fly you back to the Grand Jury?

6 A. And then they -- no, just one time, and then they
7 flew me back home.

8 Q. So there's a two round-trip flights to Kentucky, from
9 Kentucky to Cleveland, Cleveland to Kentucky, and then
10 Kentucky to Cleveland?

11 A. Yes.

12 Q. Three flights?

13 A. Yes.

14 Q. How did the FBI treat you, Sandy, when they first
15 were talking with you?

16 A. Nice. I liked them. They were very friendly.

17 Q. Treat you like a queen?

18 A. Yes, I'd say so.

19 Q. Now, you testified before the Grand Jury, didn't you?

20 A. Yes, sir.

21 Q. You know who was asking you the questions?

22 A. Mr. Morford.

23 Q. Is he in this room?

24 A. Yes, sir.

25 Q. Point to him.

Ferrante - Direct

1 A. Sitting here on the corner.

2 Q. Right there?

3 A. Yes, sir.

4 MR. TRAFICANT: Let the record reflect she's
5 identified Mr. Morford.

6 THE COURT: Yes, she has.

7 Q. Now, did you truthfully testify before the Grand
8 Jury, Sandy?

9 A. Yes, sir, to the best of my knowledge.

10 Q. What was the tone of Mr. Morford's query of you at
11 some point?

12 A. Well it ran hot and cold. Sometimes he was nice, and
13 other times his tail feathers I would say, were ruffled a
14 little bit.

15 Q. Did he accuse you of anything?

16 A. Well, he brought up about the offense of the
17 shoplifting, and it hurt me.

18 Q. Did you cry?

19 A. Not in the courtroom, but as soon as I left the room,
20 I did, yes.

21 Q. Did you say anything to Mr. Morford in the Grand Jury
22 room?

23 A. I just answered his questions.

24 Q. Now, after you testified truthfully, were you now
25 being treated like a dog?

Ferrante - Direct

1 A. I'm sorry. Rephrase that.

2 Q. I said after you testified truthfully before the
3 Grand Jury, were you now being treated like a dog?

4 A. Well, wasn't nice to me. He didn't like me. His
5 other agents were nice to me. I can honestly say they
6 treated me nice.

7 Q. Well, did they treat you like they treated you before
8 when you made the public statements?

9 MR. MORFORD: Objection, these are all
10 leading questions, and this is direct examination, your
11 Honor.

12 THE COURT: Congressman, we need the
13 testimony from her, not from you.

14 BY MR. TRAFICANT:

15 Q. When you left that Grand Jury room, how did you feel?

16 A. I felt belittled. I felt ashamed. I felt -- I
17 didn't feel good. My heart was hurt that I was so
18 embarrassed because of what was brought up. I'm ashamed of
19 that. I'm not proud of that.

20 Q. And at some particular point, did you come to find
21 out that I was indicted?

22 A. I hadn't given any thought. I don't know, I guess
23 you were indicted or read it in the newspaper.

24 Q. Did it have anything to do with you?

25 A. No.

Ferrante - Direct

1 THE COURT: You need to speak louder, please.

2 THE WITNESS: No.

3 Q. As a result of that, did you do anything?

4 A. I -- I don't quite understand your question.

5 Q. After you found out that there was nothing about you
6 that dealt with the indictment, did you do anything
7 concerning me?

8 A. Oh, no, no. I just didn't do anything.

9 Q. Did you have occasion to meet with me?

10 A. Well, I'd see you at the farm.

11 Q. Who stopped at the farm?

12 A. When the -- when?

13 Q. After -- after the indictment and everything come
14 down, what was the purpose of your coming to the farm?

15 A. I am kind of mixed up here.

16 Q. Okay. You went through this whole ordeal. Then you
17 found out --

18 MR. MORFORD: Objection to the leading
19 questions. He's testifying.

20 THE COURT: Just ask her questions one by
21 one.

22 Q. Did you and I have a conversation relative to that
23 whole ordeal you went through with the FBI and protective
24 custody?

25 A. Yes. I came to the farm to apologize to you and to

Ferrante - Direct

1 tell you I was sorry. That's what I --

2 Q. What did you tell me?

3 A. I said that I'm very, very sorry, Jim. I said I felt
4 in my heart at the time -- I didn't know what I felt. I
5 didn't know if you were guilty or innocent, but since the
6 fact that Clarence Broad was not even left, it was brought
7 up, and he wasn't even a witness here. I wasn't called. I
8 felt as though I felt used, and I felt bad, and I felt as
9 though that our friendship was worth more than what I'd
10 gone through because I realized that I felt used. I didn't
11 feel that this was right.

12 Q. Who used you?

13 A. The FBI. I felt in my heart they did.

14 Q. Are you afraid of being here today, Sandy?

15 A. No, I'm not.

16 Q. Where is your husband right now?

17 A. He's at home in bed.

18 Q. Does he need attendance?

19 A. Yes. I have a nurse with him.

20 Q. Do you take care of your ex-husband?

21 A. To the best that I can.

22 Q. Did he spend the weekends with you at the farm?

23 A. He was there almost every weekend.

24 Q. Did you spend weekends with him in Canton?

25 A. Yes, sir.

Ferrante - Direct

1 Q. First time you met with the FBI, where was it?

2 A. It was at his apartment. We had just gotten back
3 from a horse show in Lexington, Kentucky, and I met them at
4 his apartment.

5 Q. Where did they take you?

6 A. We went to Wendy's.

7 Q. Is that when -- what did they do then?

8 A. They told me that there was a death threat on my
9 life, and they wanted me to hear a tape, an audio tape.

10 Q. Now, before this ordeal occurred, was your husband
11 active with horses?

12 A. Yes, not as active as he was in his younger days, but
13 yes, he was.

14 Q. What, if anything, would you see him do?

15 A. He would come to the farm. He would long-line some
16 of the horses.

17 Q. What do you mean by long-line?

18 A. You put up the bridle and a belly pad around -- their
19 surf, single and two lines, and you go behind them, and
20 it's on the ground. And you work them in circles, large or
21 small, and twist and turn.

22 Q. Now, after this ordeal, what happened to your
23 husband?

24 A. Well, when I had gone to Louisville, Kentucky, he was
25 very, very concerned about me. He was very worried, and we

Ferrante - Direct

1 talked two or three times a day, and I have to say I was
2 very -- very upset. I -- and I think through my being so
3 upset, I upset him. And I just -- it was just terrible.
4 It was -- this was something I really wanted to forget
5 about. I was really upset.

6 Q. Did he have his heart problems after the FBI tape or
7 before the FBI tape?

8 A. Well, it was after. He was active. He was working.
9 He was at that time 80 years old. He was driving up here
10 to Cleveland everyday. He had a part-time job and fit as a
11 fiddle and golfing and just great, doing great.

12 Q. Did Tony Bucci stop at the farm?

13 A. Yes.

14 Q. Would he make any requests of you?

15 A. Yes.

16 Q. What would he ask you to do?

17 MR. MORFORD: Objection, hearsay.

18 THE WITNESS: He would ask me --

19 MR. MORFORD: Objection hearsay.

20 THE COURT: Hold on.

21 THE WITNESS: Sorry.

22 THE COURT: We get into this same --

23 BY MR. TRAFICANT:

24 Q. As a result of Tony Bucci's visits, what, if
25 anything, would you do?

Ferrante - Direct

1 A. I would be asked to call Chuck O'Nesti.

2 Q. Did Chuck stop at the farm a lot?

3 A. Yes.

4 Q. Did you know Chuck's reputation?

5 A. Not really. I just knew Chuck. I just knew Chuck
6 for the time that I had known him. I didn't know too much
7 about him, just that he had been a fireman, and he worked
8 for you.

9 Q. You didn't know anything about any bad reputation?

10 A. Well, towards the last, hearsay again, I've always
11 been taught you don't believe half of what you see and
12 little of what you hear, but I would hear little rumors off
13 and on.

14 Q. Did he consider you -- did you consider him a friend?

15 A. I considered you a friend. Chuck was an acquaintance
16 and someone that I knew.

17 Q. That day when you handed Chuck the money, did I show
18 up that day?

19 A. Um-hum, later on.

20 Q. Was Chuck still there?

21 A. No. He was in a hurry to leave.

22 Q. Now, these men that worked on the deck, did they
23 build a new door downstairs?

24 A. No, sir.

25 Q. How many years did you live there?

Ferrante - Direct

1 A. 17 years.

2 Q. Was that the door that went into the basement when
3 you first moved in?

4 A. Yes, sir.

5 Q. Do you know who built the deck?

6 A. You built the deck.

7 Q. Did you see me build the deck?

8 A. Yes, I did.

9 Q. And did the deck almost fall in?

10 A. Yes.

11 Q. Did you ever meet with the Internal Revenue Service?

12 A. No, sir.

13 Q. Now, when you testified truthfully at the Grand Jury,
14 how did you perceive the attitude of the questions
15 changing?

16 MR. MORFORD: Objection.

17 THE COURT: Sustained.

18 Q. At the time you testified at the Grand Jury, was that
19 not on or about the time you thought I was involved in
20 having you murdered?

21 A. It was a little later than that. I was in Kentucky
22 when I was called to the Grand Jury.

23 Q. And what were you doing in Kentucky?

24 A. I was in protective custody.

25 Q. From whom? Did you ask from whom? Did the FBI ever

Ferrante - Direct

1 tell you whom they were protecting you from?

2 A. No.

3 Q. What, if anything, did they say to you. Did you ask
4 them?

5 A. Well, just that --

6 MR. MORFORD: Objection, hearsay.

7 THE COURT: Yes. It's the same problem.

8 Just rephrase things, Congressman, you know.

9 Q. Did you question the FBI why you had to be in
10 protective custody?

11 A. Well, I felt it a little strange. No, I didn't
12 directly ask them the question, but I felt that it was
13 strange that Clarence Broad was incarcerated, and I was
14 still in protective custody.

15 Q. So what, if anything, did you learn as a result of
16 that?

17 MR. MORFORD: Objection, unless she had
18 firsthand knowledge.

19 THE COURT: Right.

20 Q. Did you meet with the FBI after that and inquire whom
21 you had to fear since Clarence Broad was already in
22 custody?

23 A. Your name was never brought up. They never mentioned
24 your name, the FBI.

25 Q. What, if anything -- what, if anything, did you

Ferrante - Direct

1 learn, though? Were you advised to do anything?

2 MR. MORFORD: Objection, hearsay.

3 THE COURT: Yes, it is hearsay. You can't
4 answer it. Okay?

5 Q. Are we friends now, Sandy?

6 A. I hope we are. I feel we are, yeah. I'd say we are.

7 Q. Are we friends like we were before, Sandy?

8 A. No. In my -- I will always have that little doubt in
9 my heart before I'd put my life in your hands, and I felt
10 secure. Now, there's a shadow of a doubt.

11 Q. Why?

12 A. Was you or was you not part of that little deal on
13 that tape? I'm being honest. I have that in my heart. I
14 feel that I don't know if I can --

15 Q. Let me ask you this.

16 A. -- fully trust you.

17 Q. Let me ask you this: Do you fear me?

18 A. No. I really don't fear you, no.

19 Q. Are you worried about seeing me?

20 A. Seeing you?

21 Q. Yeah.

22 A. No. Or I wouldn't have came to the farm to apologize
23 to you.

24 Q. Do people back home fear me, Sandy?

25 A. I never knew anyone to fear you.

Ferrante - Cross/Morford

1 MR. TRAFICANT: No further questions at this
2 time.

3 THE COURT: Thank you.

4 MR. MORFORD: Your Honor, I have a fairly
5 long cross-examination, and I know you haven't taken a
6 morning break. So I don't know if you want to --

7 THE COURT: We're way over due on our morning
8 break, so we'll take it right now even though it'll push
9 you against lunch a little bit, but I think it's better we
10 all take a break. And we'll do that. So we'll take a
11 20-minute break rather than 30-minute. You get a break,
12 too.

13 THE WITNESS: Oh, thank you. Okay.

14 (Thereupon, a recess was taken.)

15 THE COURT: You're still under oath, and do
16 speak out so everyone can hear you. Thank you.

17 CROSS-EXAMINATION OF SANDY FERRANTE

18 BY MR. MORFORD:

19 Q. Good morning, Mrs. Ferrante?

20 A. Good morning.

21 Q. We have not seen each other since how long?

22 A. Quite awhile, since I was here for the -- in front of
23 the Grand Jury was my last encounter with you.

24 Q. Well, did we talk at the time of the Clarence Broad
25 sentencing?

Ferrante - Cross/Morford

1 A. Oh, yes. I'm sorry, yes.

2 Q. You came there as a victim to watch those
3 proceedings, correct?

4 A. Yes, sir.

5 Q. And what, if anything, did you tell me regarding your
6 appreciation for all you felt we had tried to do for you?

7 A. I was very appreciative of your -- of all connected
8 to you at that time, that you -- that you looked out for
9 me. I felt in my heart that you really were caring about
10 me.

11 Q. And you thanked me at that time, correct?

12 A. The only thing I felt about was I wanted to ask
13 Clarence why he would want to do something because a week
14 prior to this all coming about on that Saturday, when -- or
15 when this had taken place, I wanted to ask him why he would
16 want to do anything to harm me. And you said it's best
17 that you don't ask any questions. Just let it go. That's
18 bothered me.

19 Q. You used to work with Clarence, correct?

20 A. No. I never worked with him.

21 Q. Well, you -- you lived out on the farm, correct?

22 A. Yes, sir.

23 Q. And what was your job and position out there?

24 A. I was kind of an overseer kind of a person who would
25 make sure things got done.

Ferrante - Cross/Morford

1 Q. Make sure things got done where?

2 A. Down at the farm.

3 Q. And what was Clarence Broad's position at the farm?

4 A. Well, he was -- he was an on again-off again type
5 person.

6 Q. But when he was on again, what was his position?

7 A. He'd feed the horses.

8 Q. So you worked with him at least with respect to his
9 horse duties, correct?

10 A. Well, I can't say I worked with him because I
11 never -- I never really was crazy about him because he
12 didn't do anything right. I would go down and see if he
13 did feed, I had to always double-check on him because he
14 was a -- he lied. He was a liar.

15 Q. Okay.

16 Isn't it true that at times you told us you felt he
17 was a low life?

18 A. Oh, he definitely was in my eyes.

19 Q. And that you did not like Clarence Broad?

20 A. I can't say I did -- I never said I didn't like him,
21 no. I never said that. He was a likeable person really.
22 He had a big smile on his face, and he was a small talker,
23 and he would -- he would make you laugh.

24 Q. Did you tell us at one time that you felt that he was
25 not mentally stable?

Ferrante - Cross/Morford

1 A. I would say that he was -- yeah, I said he wasn't
2 wrapped too tight at times, and I meant that. That's how I
3 felt.

4 MR. TRAFICANT: I didn't hear that.

5 THE WITNESS: I said he wasn't wrapped too
6 tight at times.

7 Q. Did you also tell us you felt he was dangerous?

8 A. I don't recall saying that I thought he was ever
9 dangerous. I did say that he -- I knew that he had had a
10 past record. He lived in Florida, and that he was -- he
11 was very streetwise. I don't know if I told you that, but
12 that's how I felt, and I didn't know -- yeah, I wouldn't
13 say I really ever trusted him because he lied.

14 Q. And isn't it true that that day when I told you
15 you're best off not talking to him and leaving well enough
16 alone --

17 A. I listened to you.

18 Q. Is it true based on what you had told us what was on
19 that tape that he's not a stable person and that talking
20 with him could perhaps cause him to make calls or cause
21 more problems for you; isn't that true?

22 A. I don't recall that. I do not truthfully honestly
23 recall you saying that. I recall you saying I would advise
24 you not to ask him any questions, and I said okay,
25 Mr. Morford.

Ferrante - Cross/Morford

1 Q. And he was in custody at that time, correct?

2 A. He was in the courtroom, yes.

3 Q. In the custody of the U.S. Marshals, correct?

4 A. Yes, sir.

5 Q. In jail clothes, correct?

6 A. Yes, sir.

7 Q. So if you were to talk to him, you would have to go
8 to jail to talk to him?

9 A. The Judge asked me, is there anyone here that would
10 like to ask Mr. Broad any questions, and I was going to --
11 because I wanted to know why. I had been in two months, in
12 protective custody down there. I was worried. I was
13 worried about my animals. I was worried about my horses.
14 I was worried about my ex-husband, my family, and why would
15 this man do something like this or want this done to me.
16 Yes, it bothered me, and I wanted to know why.

17 And when the Judge said is there anyone here, I
18 wanted to yes, stand up and say yes. I'd like to know why,
19 and I mentioned that to you. I said yes, I would like to,
20 Mr. Morford, and you said no.

21 Q. Well, ma'am, let me ask you this. Isn't it true the
22 Judge asked if anyone wanted to address the Court. He
23 didn't ask if anyone wanted to ask a question.

24 A. I took it I could speak my mind.

25 Q. At that time, I was sitting at the table like Mr.

Ferrante - Cross/Morford

1 Kall is here, correct?

2 A. You walked over to me.

3 Q. I walked over to you at the end of the hearing, did I
4 not?

5 A. No. You -- I believe you walked over to me at that
6 time, and I wanted to say yes, I want to say something.

7 Q. Let me ask you this.

8 At the conclusion of that, you shook my hand and
9 thanked me for everything we'd done for you, correct?

10 A. Yes, because I felt that you were directing me in the
11 right direction there. Sure, I did.

12 Q. And since that time, you've had conversations with
13 Congressman Traficant, correct?

14 A. I've talked to him a couple of times, yes, sir.

15 Q. On how many -- how many occasions would you do this?

16 A. I went out to the farm to apologize to him, a couple
17 of other times.

18 Q. Isn't it true he has suggested to you perhaps we did
19 some things that were wrong regarding Clarence Broad?

20 A. He never suggested anything. I came to my own
21 conclusions.

22 Q. You never talked that matter over with the
23 Congressman?

24 A. I apologized to him.

25 Q. No. My question is: Did you ever talk with the

Ferrante - Cross/Morford

1 Congressman about whether or not the Government did
2 anything wrong with respect to Clarence Broad's situation?
3 Yes or no.

4 A. Rephrase that again. I'm sorry. I didn't quite --

5 Q. My question is: During the time you met and talked
6 with Congressman Traficant on several occasions since the
7 time of the Clarence Broad sentencing, have you and he
8 talked about --

9 A. About Clarence Broad?

10 Q. No, about these suspicions that the Government may
11 have done something wrong regarding Clarence Broad?

12 A. No. I came to that conclusion myself because I could
13 see that he wasn't a valued enough witness to be present.
14 I wasn't called. He was taken to be incarcerated, and here
15 I am still in protective custody, and I wondered hey,
16 what's going on here? I never was contacted later on.

17 Q. And so it's your testimony that with all those
18 concerns you never once talked to him with -- about them
19 with Congressman Traficant during all these meetings?

20 A. I just apologized to him. I said, you know --

21 Q. That's not my question, ma'am. My question is:
22 During all those meetings, you never once discussed with
23 Congressman Traficant these concerns you just told the jury
24 you have?

25 A. No. I didn't have any need to because I came to my

Ferrante - Cross/Morford

1 own conclusions.

2 Q. So you and he never talked about this situation with
3 Clarence --

4 A. I didn't mention it. I want to forget that. That's
5 something I want to forget.

6 Q. And in preparing you to testify before this jury here
7 today and knowing he was going to ask you questions about
8 Clarence Broad, he never once asked you about these things,
9 is that your testimony here this morning?

10 A. That's true.

11 Q. Just went in cold and said surprise me?

12 A. You know what he told me? Tell the truth to your
13 best knowledge.

14 Q. That's not my question.

15 A. Is tell the truth.

16 Q. My question relates to what you and he talked about
17 with respect to Clarence Broad.

18 A. I just told you.

19 Q. Nothing.

20 A. That's nothing then.

21 Q. Okay.

22 Now, you testified on direct examination that at the
23 time you came in the Grand Jury, that I was nice and then
24 at some point I became not nice, correct?

25 A. Yes. I got very -- I felt very bad.

Ferrante - Cross/Morford

1 Q. Isn't it true the entirety of your irritation was the
2 fact that I had asked you about the allegations of the
3 shoplifting?

4 A. Yes, sir.

5 Q. And that made you extremely upset?

6 A. Yes, because I didn't see -- I wasn't on trial here.
7 We were -- we were -- it was a different story. And why
8 would you want to bring up something that I was ashamed of.
9 And it hurt my feelings, yes, and I seen you got red in the
10 face, and when I didn't answer questions, prior to that
11 before you said that, you asked -- I can't remember what
12 you asked me -- but you got upset with me. And I could see
13 you getting irritated, and then you threw that at me, and
14 it hurt me, yes, it did.

15 Q. Ma'am, there were 23 Grand Jurors in that room,
16 correct?

17 A. I -- I have no idea.

18 Q. Well, you were there. Do you remember if there was a
19 whole group of ordinary citizens watching that question?

20 A. I just remembered everybody was in the back. I
21 couldn't tell you how many. I was nervous. I was scared.

22 Q. Well, isn't it true that the questions about the
23 shoplifting came at the very end of my cross -- or my
24 examination of you?

25 A. I wouldn't say at the very end. I would say it was

Ferrante - Cross/Morford

1 close to the end.

2 Q. Wasn't it --

3 A. I know you asked me questions, and you kept telling
4 me, and you got angry with me with your tone of voice
5 because you were nervous, you were getting mad at me, and
6 then you threw that at me, and yes, it hurt me, and I --

7 Q. But that's not my question. My question: Isn't it
8 true that was the very last thing you were asked at the
9 Grand Jury?

10 A. I can't remember; can't remember. That's been --
11 what? -- a year ago, over six, eight, ten months. I can't
12 remember.

13 Q. Isn't it true after we finished your Grand Jury
14 questioning you told me how upset you were that I would
15 have the audacity --

16 A. I didn't tell you. I told your agents, who I liked,
17 Chuck Perkins and Rich. I told them, and I cried. I went
18 in the room, and I said why? Why would this man want to
19 embarrass me when I'm not here on trial and to belittle me
20 in front of the Grand Jury. What is his point?

21 I said why would he do this? And that was my exact
22 sentiments.

23 Q. And you were very upset about that?

24 A. I was hurt.

25 Q. And isn't it true --

Ferrante - Cross/Morford

1 A. More hurt than upset. I was embarrassed.

2 Q. Isn't it true I then came to you and explained to you
3 why I felt I needed to put that on the record?

4 A. No. Chuck Perkins explained to me why. Chuck said,
5 Sandy, don't feel bad. He's -- he's bringing this out in
6 case it's brought out later on if you're called back, that
7 will just be kind of an oversight that -- and it'll be
8 already aired. That's what exactly what I was told.

9 So Chuck hugged me, and I said okay. That's -- I
10 don't remember you coming to me and saying you were sorry.
11 You never -- you didn't like me. I felt that the first
12 time I met you when I came to your office. You were asking
13 me questions and took me a little bit of time. I wanted to
14 tell you the truth. You didn't even give me a chance. You
15 just cut me right off, and you went on to something else.

16 So I knew that you didn't care for me.

17 Q. That was your opinion all along?

18 A. That was my own personal opinion.

19 Q. Well, let me ask you this.

20 Isn't it true, with respect to the shoplifting
21 incident, that there were several shoplifting incidents?

22 A. There was five total, four maybe -- I think four.

23 Q. And over --

24 A. Yes. In the course of the time I worked at the farm,
25 I didn't have -- and I always did it for other people being

Ferrante - Cross/Morford

1 a good hearted Samaritan and trying to do -- and yes, I'm
2 not proud of my past. Those are the only things that
3 anybody has against me, and I stopped. I learned my
4 lesson.

5 Q. Over how long a period of time was it that you were
6 arrested for shoplifting from the first incident?

7 A. The very first time it happened I was just married.

8 Q. So what year would that be?

9 A. I was married in '67, and my husband went to Kansas
10 City, and my husband was Italian. He was very tight
11 fisted. I had to write down to the penny what I spent. If
12 it was for a loaf of bread, I had to write it down. And he
13 was coming home from Kansas City, and it was Christmas
14 time, and I didn't have any money for a Christmas tree and
15 used the money for the dinner I was going to prepare for
16 him, and I cooked a roast and threw it out the window.

17 Q. Can I interrupt for a moment? Was this the type of
18 situation where when we met the first time occasionally I
19 would interrupt you?

20 A. I never talked that much to you. I talked to your
21 agents. I didn't talk to you very much.

22 Q. Well, you just told the jury about an occasion where
23 we met, and I asked you a question and a couple times would
24 interrupt you and asked you to come back to a certain area,
25 and you felt that I didn't like you; is that correct?

Ferrante - Cross/Morford

1 A. I felt you didn't care for me.

2 Q. Were there times where you would go to tell a story
3 with lot of details, and I would interrupt and say can we
4 come back because I want to focus on a certain point?

5 A. Well, I just felt that you asked me a question, and
6 maybe some people can say it in two words. Maybe it takes
7 me ten words, but it's my truthful feeling, and it's how I
8 perceive it. So I -- if it's just -- you know, everybody
9 to their own. Maybe I just couldn't express it as quick as
10 you wanted me to.

11 Q. The -- during the time that you lived out at the
12 farm, how many times were you arrested for shoplifting?

13 A. Let me think: I was once arrested in Pennsylvania.

14 Q. What year probably?

15 A. I can't remember. I don't want to remember.

16 Q. How far back are we talking?

17 A. I would say -- well the very first time -- I never
18 dated again for 22 years.

19 Q. No. During the time you were at the farm.

20 A. I can't remember. It was just a period of some
21 years. I can't say. I honestly can't remember.

22 Q. Did it all occur in a year or --

23 A. No, no. It was off and on, and I would get --
24 somebody wanted something. I wouldn't have the money. I
25 didn't have money. And I was always trying to be the good

Ferrante - Cross/Morford

1 Samaritan and always the one who was going to help
2 everybody. And my family would come, my nephews would be
3 in trouble. They gave money, and I wouldn't have money to
4 give them. And I'm wrong. I'm not sitting here saying --
5 I don't recall how many times. You -- I'm sure you know.

6 Q. I'm just asking you about approximately how many
7 times were you actually arrested for shoplifting?

8 A. I think four.

9 Q. Okay. During the time you were out at the farm, is
10 that right?

11 A. Possibly, makes three. I'm not sure.

12 Q. Isn't it true that on each of those occasions you
13 went to Congressman Traficant and asked him for his help?

14 A. No. I called the office and would talk to Chuck
15 O'Nesti. And Chuck always said that he'd help me out.
16 But, in fact, I -- Jim was the one who was behind it. I'm
17 sure. But Chuck always took the -- said oh, Sandy, I
18 helped you out. And it was Jim the last time kept me in
19 jail for a day, and I learned a good lesson. And --

20 Q. Let's talk about the time prior to that. Isn't there
21 times you told Congressman Traficant you had been arrested,
22 and Chuck O'Nesti called the police and asked them to drop
23 the charges because you worked for the Congressman?

24 A. I always called Jim. I'd say, oh, Jim, I'm sorry,
25 and I'd apologize, and I felt bad.

Ferrante - Cross/Morford

1 Q. Isn't it true that there were times Chuck O'Nesti
2 contacted local police and asked them to drop the charges
3 because you worked for the Congressman?

4 A. I don't know exactly what Chuck would say because I
5 was never there.

6 MR. TRAFICANT: Objection. She doesn't know
7 what Chuck's thinking.

8 THE WITNESS: Right. I have no idea what he
9 said.

10 Q. Were you ever present when Chuck --

11 MR. TRAFICANT: Okay. What was made? Are
12 you sustaining it or what? I made an objection.

13 THE COURT: Thank you, Congressman. Now I'll
14 rule on it. The objection is sustained, and now you can
15 ask another question.

16 BY MR. MORFORD:

17 Q. Were you ever present when Chuck O'Nesti talked with
18 the police?

19 A. Oh, no.

20 Q. Going back to my question then, I'm not sure what the
21 answer was. Were there times you were arrested, and you
22 went to Congressman Traficant and asked him to help you get
23 out of trouble?

24 A. I would tell him about it, yes, and I'd say, what am
25 I going to do, and I would tell him, yes.

Ferrante - Cross/Morford

1 Q. Let me ask you this: Do you recall testifying to the
2 Grand Jury as follows:

3 "Question: On several occasions that you were
4 arrested, isn't it true that Congressman Traficant
5 attempted to contact the police and get them to drop the
6 charges?

7 "Answer: I asked for his help, yes."

8 A. But Chuck O'Nesti always took a claim for helping me.
9 And that's exactly what I said in the Grand Jury. I never
10 said that he helped me. But I was sure he was behind it.
11 But I said Chuck always took the credit for helping me.

12 Q. Ma'am, my question to you is were there occasions you
13 got arrested and went to Congressman Traficant and asked
14 him to contact the police in order to get them to drop the
15 charges?

16 A. I never asked him to contact the police, ever.

17 Q. You asked him for --

18 A. I don't recall saying -- I asked him -- I'd tell him
19 I need your help. I would say I need your help, but I
20 don't know if he contacted the police. Why would he
21 contact the police? That isn't who would help me.

22 Q. Let me read this question:

23 "On several occasions, you were a respected -- isn't
24 it true that Congressman Traficant attempted to contact the
25 police to get them to drop the charges?

Ferrante - Cross/Morford

1 "Answer: I asked for his help, yes."

2 A. Well, maybe I didn't quite understand that at that
3 time.

4 Q. So now you're sitting here saying today that didn't
5 happen?

6 A. I was nervous. Do you realize what I had been
7 through, Mr. Morford, prior to that?

8 Q. That's not my question. My question is: As you sit
9 here today, you're saying that testimony is true or not
10 true?

11 MR. TRAFICANT: Objection. Asked and
12 answered, she said she can't recall.

13 THE COURT: You can answer.

14 THE WITNESS: I really don't recall. And
15 that's the truth.

16 Q. Well, you testified that Congressman Traficant was
17 the one that contacted the police and had them leave you
18 for one night in jail, correct. Isn't that what you told
19 the jury?

20 A. I -- that's what I -- yes, he told me that.

21 Q. So?

22 A. Afterwards, he told me when he picked me up and we
23 went for breakfast, he says you know why, he says, you
24 spent a night in jail? He said -- he said I hope you
25 learned your lesson. I said oh, I did. I never want to be

Ferrante - Cross/Morford

1 back there again, ever.

2 Q. So your testimony --

3 A. Maybe I'm not understanding. I'm just being honest
4 with you. You can put it any way you want and maybe try to
5 make me -- I'm just trying to explain to you.

6 Q. I'm not trying to put it any way.

7 A. Okay, all right.

8 Q. My question is this:

9 When you told the jury that it was Congressman
10 Traficant that caused you to spend the night in jail to
11 help you get over this program -- problem, as I understand,
12 what you're telling us now, that's based totally on what
13 Congressman Traficant told you that day; is that correct?

14 A. Well, he told me that, yes.

15 Q. But you have no other basis?

16 MR. TRAFICANT: Objection for the record on
17 hearsay.

18 THE COURT: You can -- you can answer. You
19 were just about to answer something. You can go ahead and
20 answer. The objection's overruled.

21 THE WITNESS: Well, yes, I would talk --
22 would I tell him? He'd come home on weekends. I said,
23 Jim, I am so sorry. I don't know what's wrong with me.
24 I'm always helping people out and trying to do good things
25 for people, and I'm wrong. I'm wrong. I will sit here and

Ferrante - Cross/Morford

1 say I'm sorry to everybody. I'm -- I learned my lesson.

2 Q. Wasn't it true when you were asked in the Grand Jury
3 this question, "did Congressman Traficant ever tell you
4 that he would contact the police in your behalf," you said
5 "never. Personally, he did not, no, he never did himself"?

6 A. That's because Chuck told me he was always the one
7 that helped me. Charlie would say he'd come out and say
8 Sandy, you know what? I would say, I'm so sorry, Charlie.
9 Thanks a million because I would talk to Charlie on the
10 phone directly after something. I contacted Charlie when
11 Charles was there.

12 Q. It was your testimony that Congressman Traficant
13 never contacted the police on your behalf. How is it then
14 that now you're testifying that he was the one that
15 arranged for you to spend the night in jail?

16 A. Well, this was the last time. That was it. That
17 was -- that's what he said. And I thanked him for it
18 because I learned a valid lesson; couldn't get me to take a
19 straight pin.

20 Q. So you believe you spent that night in jail because
21 Congressman Traficant arranged that, is that your
22 testimony?

23 A. Well, I would assume, yes.

24 Q. Based on entirely what he told you?

25 A. I can only say what he said. He said Sandy, you

Ferrante - Cross/Morford

1 learn a lesson? And I said oh, yes, I have.

2 Q. Isn't it also true when you testified at the Grand
3 Jury you told the Grand Jury that you don't always trust
4 Congressman Traficant because there were many times he lied
5 to you?

6 A. Yes, I did say that. Yes, I did.

7 Q. And as to whether or not he was telling the truth
8 that day in the restaurant, you have no way of knowing?

9 A. I knew he was telling the truth. I knew when he
10 would tell me little stories. They weren't great major
11 lies. He would say little things pertaining to the horses,
12 to the barn, to little things, and I'd say oh, brother, you
13 can put that tail on the end of your comb. I used to tell
14 him, I know you're not telling me the truth. And I just
15 sort of brushed it off, and that would be the end of it.
16 And when I said he lied, those are lies, white lies are
17 lies. But I knew when he was telling the truth and when he
18 wasn't.

19 Q. On the first four times you were arrested, did you
20 suffer any penalty? Were you jailed or fined or anything?

21 A. The very first time for the roast?

22 Q. That was back in the 60's, but during the time you
23 lived on the farm, during the time that you would ask
24 Congressman Traficant or Mr. O'Nesti to help you, did you
25 ever have any penalty until the very last time?

Ferrante - Cross/Morford

1 A. I was taken with my cousin to jail, but we didn't
2 stay.

3 Q. I mean --

4 A. The bond was put up, and I was released.

5 Q. Prior to the three or four times you asked the
6 Congressman or Mr. O'Nesti to help you, you never had any
7 penalty?

8 A. What type of penalty? Yeah, I had fines and
9 community service.

10 Q. No type of jail at the time on those other occasions?

11 A. No. No, sir. No, but I was told the last time, if
12 you ever, ever do it again, they'll throw the book at me,
13 and I said you don't have to worry, I'll never do it again.
14 And I never will, ever.

15 Q. I'd like to ask you some questions about the nature
16 of your relationship with Congressman Traficant that would
17 relate to your feelings for him, which would relate to any
18 bias you might have here today.

19 A. Um-hum.

20 Q. He asked you in the beginning if you were his
21 girlfriend. You said no. Are you a dear friend? You said
22 yes, correct.

23 A. Yes.

24 Q. How exactly would you describe the nature of this
25 relationship?

Ferrante - Cross/Morford

1 A. As I told you in the Grand Jury, it was kind of a
2 love-hate relationship. I loved him like a brother, and we
3 were very, very, very close. I loved him dearly because he
4 was always there for me. And my dislike for him was always
5 pertaining to the horses, things down at the barn, things
6 that the horses needed done, like being shoed.

7 I'd say, Jim, please put some shoes on the horses,
8 and he'd say they have to learn to earn their shoes, little
9 things like this. And I disliked him for it because being
10 a horsewoman and knowing that you don't -- you can't make a
11 silk purse out of a sow's ear if you don't have something
12 to work with. They needed shoes to protect their feet so I
13 could work them and see and let them be worked.

14 And I -- you know, I would get terribly upset with
15 him. And he has an up and down personality, as you well
16 know. Sometimes he's -- he's as nice and dear and sweet
17 and lovely and the next minute he's like a raging bull. So
18 you know when he ruffled me, I'd ruffle him, and I disliked
19 him.

20 Q. Isn't it true that you have the same tendencies,
21 would that be fair?

22 A. Oh, I'm sure I do. I got them -- I'm all Irish.

23 Q. Were there times you lashed out at him?

24 A. Several, yes.

25 Q. You stated in the Grand Jury that you felt he almost

Ferrante - Cross/Morford

1 treated you like a wife at times; isn't that correct?

2 A. We were so close, yes, we were terribly close. I
3 mean, we were just -- I saw -- I was like he was my left
4 arm, and I was his right. I mean, we just were close. But
5 we weren't involved sexually if that's what you're getting
6 at. No, we did not have a sexual relationship. We had a
7 true friendship, one you could count on your five fingers
8 in a life time.

9 And when this all come down about this murder
10 business and me getting whacked, yes, I was devastated
11 because here sat a man that I truly loved dearly and
12 thinking that there was a possibility that he can endanger
13 me and want me killed for what, to worry that I might say
14 something or whatever? I couldn't understand it. And I
15 was so -- I was enraged over it. Then I got to thinking.
16 You know what? You count your friends on your five fingers
17 in a life time. He's still my friend.

18 Q. And that was a friendship?

19 A. Yes.

20 Q. A close friendship you'd had for 17 years?

21 A. Yes, yes.

22 Q. And that's something you missed during the time?

23 A. I missed it terribly because I missed him. I missed
24 telling him -- when I'd get up or get down, I am kind of --
25 I'm an emotional person as you can well tell. I mean, when

Ferrante - Cross/Morford

1 I'm up, I'm up, and when I was down, I was down. And he
2 always tried to pick me up and try to say, Sandy, it's not
3 as bad as you think, and I can count on that and kept going
4 on that. That was the basis for our -- you know, I missed
5 that. I truly missed it.

6 Q. I think you indicated to us before that during those
7 years he may have been the most important person in your
8 life?

9 A. Never the most important person. My mom and dad was,
10 I mean --

11 Q. In terms of apart from your immediate family?

12 A. Pardon me?

13 Q. Apart from your immediate family, in terms of someone
14 you talked with and shared with?

15 A. Right, my ex-husband. I can't over -- I mean, he was
16 Number 1, and I'd say Jim was Number 2, sure.

17 Q. Now, turning back to Clarence Broad, there came a
18 time when Clarence Broad was hired to work out at the farm,
19 correct?

20 A. Well, I don't know if he was considered hired. He
21 put a roof offer over his head because he came up from
22 Florida, and he had children, and he had no place to stay,
23 and he came out there, and he wanted -- he asked Jim
24 through other people that had been there if he could move
25 in there, and if he could help out around there, there was

Ferrante - Cross/Morford

1 a roof.

2 And that's exactly what it amounted to, but as I
3 said, he wasn't a good worker. He wasn't a real credible
4 person, and I agreed to that.

5 Q. Regardless of what he was paid or how he was paid, he
6 was brought out to work as a farmhand on the farm, correct?

7 A. He wasn't brought out. He brought himself out. He
8 lived -- he stayed there.

9 Q. He was allowed to move into the house because --

10 A. Yes. I didn't want him to. I -- I told him, I said
11 can't you see this guy's not going to be -- he doesn't even
12 know straight up about horses. Jim said, oh, give him --
13 he said, Sandy, give him a shot. The guy doesn't have any
14 place to live.

15 So that's what I did. And I said okay. It's all
16 right with me. But I didn't like him. No, I mean, I liked
17 him, but I didn't like him. As I said, he was a likeable
18 person to the degree --

19 Q. Which was it? You liked him or didn't like him?

20 A. How can you say? Some people you like; some people
21 you can't stand. Other people -- he was a guy that one
22 minute you liked him. He was kindhearted. He'd laugh.
23 He'd -- I don't know. He had a way about him. He was just
24 that kind of a guy, and then other times, he would -- you
25 could catch him in lies. Naturally, you didn't like him.

Ferrante - Cross/Morford

1 Q. Let me ask you this: When you testified at the Grand
2 Jury, do you remember this question and answer:

3 "That was not someone you liked at all; is that
4 correct?

5 No."

6 "You considered him to be a low life?

7 "Yes.

8 "He was a pot smoker and didn't take good care of the
9 horses?

10 "Answer: Terrible."

11 "You also indicated to us you hounded Mr. Traficant
12 for a period of time?

13 "That's true."

14 "Trying to get him to fire Thad. Is that correct?

15 "Answer: Yes."

16 A. Yes, that's all true. I did say that. And I meant
17 that. But, as I said, at times, you couldn't -- you
18 couldn't help it. I even invited him at Christmas. He had
19 no place to eat dinner. I had all my family there. I felt
20 bad. I said if you want to, you could have dinner. You're
21 welcome.

22 Q. Aside from all that analysis, you disliked him enough
23 that you went to Congressman Traficant and asked him to
24 fire Thad, is that correct?

25 A. Yes, because --

Ferrante - Cross/Morford

1 Q. You don't need to explain. I don't want you to
2 dislike me for cutting you off.

3 A. I am not disliking you for it, but the reason I went
4 to him was because the horses were being neglected.

5 Q. My question is: You did go and ask Congressman
6 Traficant to fire Clarence Broad, correct?

7 A. I didn't ask him. I told him to get him off the
8 farm. He was a menace really. He didn't -- he was
9 terrible there towards the end. You see, he was there off
10 and on.

11 Q. Please, ma'am, I'm going ask you to try to respond to
12 my questions because we'll be here a long time. Okay?

13 A. Okay. I'm sorry.

14 Q. You also at one time -- Congressman Traficant did not
15 fire Clarence after you requested it, did he?

16 A. No.

17 Q. And you went back to him on several occasions and
18 came a point of dissension between you and the Congressman;
19 is that correct?

20 A. Big time.

21 Q. And there came a time you threw him off the farm
22 yourself, correct?

23 A. I told him to get out, yes.

24 Q. After you told Clarence Broad or Thad -- is Thad his
25 nickname?

Ferrante - Cross/Morford

1 A. Yes.

2 Q. After you told Clarence Broad to get off the farm and
3 he left, isn't it true that Congressman Traficant became
4 extremely upset with you?

5 A. Yes, sir. Yes, he did.

6 Q. And that led to a large fight and dispute between you
7 and Congressman Traficant, correct?

8 A. Yes, sir.

9 Q. And at that time, would it be fair to say that you
10 kind of went crazy a little bit?

11 A. I'd say I wasn't at my best point, but, yeah.

12 Q. Let's put it in real terms: Isn't it true that you
13 took a knife and went out and slashed the tires?

14 A. His four tires. I said the only way to get to you is
15 in your pocket book.

16 Q. And so you took --

17 A. That's exactly what I told him, and I slit four of
18 his tires. I stuck a knife. I said, now am I proving a
19 point to you? I says get this man off the farm. I said
20 the horses down there are not doing well because of him.
21 And, yes, I did do it. I am not proud of that either, but
22 I did it out of fit of anger.

23 Q. You said you took a knife and slashed his tires and
24 said this is the only way I can get to you. What did you
25 mean by that?

Ferrante - Cross/Morford

- 1 A. Because he's easy -- he trusts people. He goes along
2 like Thad.
- 3 Q. That's not my question.
- 4 A. I am telling you why I did it.
- 5 Q. My question is not why you did it. What did you mean
6 when you said the only way I can get to you is to slash
7 your tires?
- 8 A. Because he's thick headed when it comes to trying to
9 tell him something. You don't tell him. He just sloughs
10 it off. She's told me numerous times he sloughs things
11 off. He's this kind of guy. He can't -- you know.
- 12 Q. Isn't it true --
- 13 A. It doesn't sink in.
- 14 Q. Isn't it true you told the Grand Jury that you
15 slashed the tires because you knew the only way to get his
16 attention was to hit him in his pocketbook because he's
17 cheap?
- 18 A. I'm sure if I said that -- he was cheap, he has been
19 cheap.
- 20 Q. Now, did you slash his tires on more than one
21 occasion?
- 22 A. Yeah. I think I did two or three sets of them, one
23 right after another. The trucker come back, put them on,
24 and I sliced them, and they put them on again.
- 25 Q. Did there come a time towards the end you were

Ferrante - Cross/Morford

1 standing with a knife, and you and he had an argument over
2 Clarence Broad's presence?

3 A. Yeah, I think there was. It was at the very end, and
4 he was standing there and Clarence, and I said instead of
5 cutting those tires, I ought to shove this into you. Yeah,
6 I probably said that. I'm pretty sure I did.

7 Q. That all happened prior to the time that the FBI then
8 later came to you with a tape involving Clarence Broad,
9 correct?

10 A. Yes, that was prior to that.

11 Q. And when the FBI brought that tape out and played it
12 for you, it's at that time that you began telling us about
13 all these other incidents, correct?

14 A. I had -- played the tape for me at Wendy's.

15 Q. I did or the FBI did?

16 A. The FBI.

17 Q. Okay.

18 A. And I heard it, and I had them play it again, and
19 then I said, oh, I just can't believe that he'd do this to
20 me. I can't believe he was behind this, and your FBI
21 agents indicated he was behind it, in a roundabout way they
22 -- they did not mention his name, but I felt that they
23 indicated it, and on the tape, it was very evident that it
24 was. I thought it really was. In my heart, I thought it
25 was. I thought he was.

Ferrante - Cross/Morford

1 Q. That's not my question. My question is: After you
2 were shown the tape, isn't it true you then began telling
3 the FBI about all these other incidents that had happened
4 out at the farm?

5 A. Yes, yes, because I was upset. Yes, I was mad. I
6 wanted to -- that's why I called him on the phone.

7 Q. But my point is --

8 A. He was saying Clarence Broad is my friend, and I'm
9 thinking, my God, I've had 17 years of friendship.

10 Q. Ma'am, please, I'm going ask you to try to really pay
11 attention to my question and restrict your answer to my
12 question.

13 A. Yes, sir.

14 Q. My question: Simply after you listened to the tape,
15 isn't it true that then you told the FBI about the tire
16 slashing incidents?

17 A. I probably did. I'm being honest. I say what I
18 think.

19 Q. Didn't you also tell the FBI at that time that during
20 one of those encounters Congressman Traficant turned to
21 Mr. Broad and said something like we need to get her out of
22 here, or she needs to leave? We need to get her off the
23 farm or something like that? You recall telling the FBI
24 that?

25 A. Yeah. He was mad after those tires. He wanted me

Ferrante - Cross/Morford

1 out of there, yes.

2 Q. Didn't you also tell the FBI after they played the
3 tape that for a period of about six months the Congressman
4 had been very cold to you?

5 A. I said he totally changed, yes, I did say that.

6 Q. Isn't it true you told the FBI at that time that,
7 quote, have you ever felt like you're a victim before
8 something happens, unquote, remember making that statement?

9 A. I don't remember if it was phrased that way. I knew
10 he'd changed. I knew he was cold. I knew his whole
11 personality had changed.

12 Q. Let me ask you this: On Page -- I believe it's Page
13 71 of your Grand Jury transcript --

14 Well, I'll --

15 MR. TRAFICANT: What page is that?

16 MR. MORFORD: I believe it's Page 71, Line
17 14.

18 Q. "Answer." This is you speaking: "Have you ever felt
19 like you're a victim before something happens?"

20 Do you recall that?

21 A. No, I don't recall that. I truthfully don't.

22 Q. Now --

23 MR. MORFORD: Actually, your Honor, I have
24 sort of a new area related to this but given the time --

25 THE COURT: Yeah. It's a little past time

Ferrante - Cross/Morford

1 for lunch so we're going take our lunch break now, and
2 remember all your admonitions, enjoy your lunch, and we'll
3 see you at 1:30.

4 (Thereupon, a luncheon recess was had:)

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1 Monday Session, March 25, 2002, at 1:30 P.M.

2 (Proceedings in the absence of the jury:)

3 THE COURT: Congressman, this morning, you
4 filed three motions, and I've had time to look at them, and
5 the Clerk's Office also called up to say they were having
6 difficulty reading some of the words in them. So I wonder
7 whether you could have somebody print these out for you or
8 do something -- something so that we can be sure what we're
9 reading.

10 MR. TRAFICANT: They are? Would you like me
11 to have them try to get them typed and delivered to you
12 tomorrow?

13 THE COURT: That'll be fine.

14 MR. TRAFICANT: I could read them for you if
15 you want. That would take a lot of time.

16 THE COURT: That would take time. They'll be
17 accepted as having been filed today, but I think -- I just
18 can't consider them until I can see them better. So as
19 soon as you can get something that's clearer, doesn't have
20 to be typed, but it has to be a little more clear.

21 MR. TRAFICANT: Thank you.

22 THE COURT: So now we can go forward with the
23 jury. I just want to say that because of the weather
24 outside, our normal habit is that we would collapse the --
25 or the mid afternoon break and give our jurors a little bit

1 more time to get on the highway because some of them are
2 going two and a half hours each direction in order to get
3 home tonight.

4 So rather than having a long break in the middle of
5 the afternoon like we normally do, we'll collapse that into
6 a smaller amount, depending on where we are. But the
7 lawyers and you, Congressman Traficant, and I can still
8 stay here until 6:00. Okay?

9 MR. TRAFICANT: I object to that.

10 THE COURT: Okay. Well, the jurors have a
11 long way to go and they --

12 MR. TRAFICANT: No. I want the jurors to go
13 home, but I --

14 THE COURT: You don't want to stay?

15 MR. TRAFICANT: I don't want to have to stay
16 until 6:00.

17 THE COURT: We can talk about that when we
18 get there. Thank you.

19 (Proceedings resumed in the presence of the jury:)

20 THE COURT: Ladies and gentlemen, we are
21 going to shorten your mid-day breakdown so you can go
22 earlier today. We're going to try and let you leave around
23 4:00, and we'll probably have a break, but it'll be a much
24 shorter one. Okay?

25 THE JURY: Okay.

Ferrante - Cross/Morford

1 THE COURT: It may be spring by the time you
2 go home.

3 (Laughter.)

4 THE COURT: You're still under oath, and you
5 still need to speak loudly and use the microphone. Thank
6 you.

7 THE WITNESS: You're welcome.

8 THE COURT: Mr. Morford.

9 BY MR. MORFORD:

10 Q. Ms. Ferrante, did you talk with Congressman Traficant
11 during the luncheon break?

12 A. Yes, I did.

13 Q. Did you talk at all about your testimony?

14 A. No, not really. We talked about -- just he told me
15 to be honest, try to remember all the major and minor
16 things.

17 Q. So during the middle of my cross-examination?

18 A. I am out of breath.

19 Q. Okay. Just take a minute.

20 A. Okay.

21 Q. So then during the break, you did talk about some
22 aspects of your testimony, correct?

23 A. Um-hum. He told me just to be perfectly honest, try
24 to remember everything, major or small, try to think back
25 about things that I might have forgotten during my Grand

Ferrante - Cross/Morford

1 Jury testimony. I said okay.

2 Q. Did he go over some specific areas with you that you
3 should talk about?

4 A. Not anything directly. He just said to try to
5 remember.

6 Q. Like what, what area?

7 A. He says things that happened out at the farm.

8 Q. So during the break in our cross-examination, he went
9 back over with you some things that happened out at the
10 farm?

11 A. Not -- not directly but indirectly. I mean, not that
12 he didn't bring up anything, remember this, say this, say
13 that. He didn't say any of that. He just said try to
14 remember all the major things that you can remember of the
15 17 years you were there and all the little tiny things that
16 you might have forgotten. I said okay.

17 Q. But you and he did talk about some specific things,
18 correct?

19 A. Like what?

20 Q. That's what I'm asking you.

21 A. Nothing major, no, that was it, just what I had
22 talked about to you prior to that.

23 Q. No specifics whatsoever?

24 A. No, nothing.

25 Q. Now, you testified on direct examination that there

Ferrante - Cross/Morford

1 came a time when you came to fear Congressman Traficant and
2 Clarence Broad, correct?

3 A. Yes.

4 Q. And I'd like to ask you some questions about the
5 basis of your fear. Okay?

6 A. Um-hum.

7 Q. Did, as I understand it from your testimony, there
8 come a time where the FBI came to you and advised you that
9 they had received information that your life might be in
10 danger, and that they wanted you to listen to a tape,
11 correct?

12 A. Correct.

13 Q. And they had you listen to that tape; is that
14 correct?

15 A. Yes, sir, twice I listened to it.

16 Q. And when you listened to that tape, you recognized
17 the clear distinct voice of Clarence Broad on that tape; is
18 that correct?

19 A. Instantly.

20 Q. Congressman Traficant was not on that tape at all,
21 was he?

22 A. His voice was not on that tape, no, sir.

23 Q. Now, based on listening to that tape, you yourself
24 concluded you had reason to fear that Clarence Broad was
25 attempting to hire a hit man to kill you; is that correct?

Ferrante - Cross/Morford

1 A. It was evident, that it was, sure. They wanted \$3500
2 up front and the balance of \$10,000 after it was finished
3 that I was murdered, and then whether I was to be found or
4 not found.

5 Q. Now --

6 A. That's the reason I said he was a low life. That's
7 another reason. Why should I say he's a nice guy when here
8 he wants to have me murdered?

9 Q. Now, there was also -- you concluded from listening
10 to the tape that Clarence Broad was claiming that he --
11 that he had approached an unidentified hit man in Florida
12 prior to the conversation on that tape, correct? Do you
13 recall that?

14 A. Did I hear that?

15 Q. Yes.

16 A. I was told that.

17 Q. Okay.

18 A. By you, by your men.

19 Q. Now --

20 MR. TRAFICANT: Objection as to hearsay.

21 MR. MORFORD: Your Honor, it would go to the
22 effect on the hearer, which is why I believe this was
23 brought up on direct in the first place.

24 THE COURT: Thank you. You can proceed.

25 Q. Now, it was at that point after you listened to that

Ferrante - Cross/Morford

1 tape that you first related and advised the FBI about the
2 tire slashing incidents, correct?

3 A. Well, they questioned me. They asked me what had
4 gone on prior to this. And I told them. I was honest.

5 Q. And you told them that you had, over a period of the
6 last six months, been having troubles with Clarence Broad,
7 correct?

8 A. No, because he wasn't there for six months. He was
9 there off and on. He'd come and go. He'd come back and
10 go, and yes, I did have problems. I did not -- you know, I
11 was disgusted with him.

12 Q. But you told the agents you had actually thrown him
13 off the farm, correct?

14 A. Oh, yeah, I did. That's why the tires got slashed
15 because I had -- I said get out and stay out.

16 Q. And then who hired him back?

17 A. Well, Jim said he could stay because he didn't have
18 anybody there.

19 Q. And so you related all that to the FBI after you
20 listened to the tape, correct?

21 A. Did I what?

22 Q. At that time, after you listened to the tape, you
23 relayed all those incidents to the FBI? You told them
24 about him, correct?

25 A. Yes, yes, because they asked me what the past few

Ferrante - Cross/Morford

1 months was like there, and I told them.

2 Q. Isn't it true at all times the FBI told you that
3 their Number 1 concern was your safety?

4 A. Yes, they did.

5 Q. And after they had played the tape for you and after
6 you had told them about the incidents at the farm, isn't it
7 true that it was at that point they offered to move you to
8 a safer place until they could sort out what was going on?

9 A. They did not want me to go back to the farm. As a
10 matter of fact, they wanted to take me that night, and I
11 said oh, no. I got my dogs. I said my dogs are there. I
12 have to go back to the farm and pick them up. I'm worried
13 about them. I have my good silver saddle there. I'm not
14 going to be whirled away someplace and have that. That
15 wasn't even covered with my apartment insurance.

16 Q. But isn't it true they were more worried about your
17 safety than your saddle?

18 A. Yes, they indicated that.

19 Q. And they wanted to, if it was okay with you, it was
20 your call. They wanted to move you to a secure place of
21 your choosing until they could sort out what was going on,
22 correct?

23 A. Yes. They said we'd like -- we definitely don't want
24 you to go back to the farm. They wanted me to do it that
25 night. I said no, I says -- I said I'll go and stay. I

Ferrante - Cross/Morford

1 had my little niece with me. I said, I don't want her to
2 hear any of this. I don't want to frighten her. I'll take
3 her home the back roads, and I will stay at my niece's
4 house that night, and I would meet Chuck Perkins next
5 morning at 7:00 at the farm to get my silver saddle and
6 pick up my dogs.

7 I took my dogs to the kennel, and then I had gone
8 back to my ex-husband, who had at that time was living in
9 North Canton, and then I was advised to pack my suitcases,
10 and they were going to fly me where -- where would you like
11 to go. They definitely didn't want me there. They wanted
12 me away from my ex-husband; said it wasn't safe there, and
13 I called my friend in Louisville, Kentucky, and asked if I
14 could please come. I said there's been a death threat on
15 my life, and I says I need a place to go. And they said --
16 so I had told them, and that was fine with the FBI.

17 Q. So you were the one that picked Kentucky as the
18 place?

19 A. Yes, that or a hotel, and I would rather be a with a
20 friend than a hotel.

21 Q. My question was: You were the one who chose the
22 place you ultimately went to, correct?

23 A. Yes. I asked if I could go there because it was a
24 familiar place, and I was going to be gone for very long.
25 I didn't want to go in a motel room someplace.

Ferrante - Cross/Morford

1 Q. You're aware there came a time that Clarence Broad
2 was charged with this conduct, correct?

3 A. Yes.

4 Q. And isn't it true it was after Clarence Broad was
5 charged and the media began trying to figure out what the
6 Broad thing was all about, that it was at that time you
7 called the FBI about the radio show?

8 A. I talked to Rich Denholm, one of your agents --

9 Q. Okay.

10 A. -- about it.

11 Q. But that was after Clarence Broad had been charged,
12 correct?

13 A. Yes. But it was also said it would be better for my
14 welfare that it would take the heat off of me if somebody
15 else was out there to try to get me.

16 Q. Wasn't it true that you called Rich Denholm and said
17 I would like to call and talk on this radio show, is it
18 okay?

19 A. The point -- how it was, Rich Denholm called me. I
20 returned his call.

21 Q. He called you to say I'd like you to go on the radio?

22 A. Left a message on my recorder, and I returned his
23 call, and we got to talking, and that's how that was
24 brought up; that it would be safer for me to be able to --
25 it would be better for my welfare and my safety.

Ferrante - Cross/Morford

1 And I said, do you really think it would be, and he
2 said yeah. He says, you know, it will take the heat off.
3 He said you're less apt to be anything to be -- any harm to
4 come to you if you go public with it. So I listened.

5 Q. Isn't it true you're the one that brought up the
6 topic of the radio show in the first place?

7 A. I might have, yes. It's very well evident that I
8 could have because it was on the -- it was on Dan Ryan.

9 Q. Isn't it true that you called -- that you talked to
10 Mr. Denholm and told him you had a friend who told you you
11 should call the radio show?

12 A. I don't recall that, Mr. Morford.

13 Q. Wasn't it true when you asked Mr. Denholm if it was
14 okay for you to call the radio show, he told you although
15 you have a First Amendment right and can say anything you
16 want, and that he can't tell you to talk or not talk, that
17 you'd probably be better off not doing it?

18 A. No. He did not tell me that.

19 Q. Isn't it true --

20 A. I don't recall him ever saying it would be better
21 that I didn't do that.

22 Q. Do you recall him mentioning that you do have a First
23 Amendment right, and he couldn't tell you not to do it?

24 A. He might have said that. I -- you know, we're
25 talking about -- I've been through quite an experience.

Ferrante - Cross/Morford

1 It's like in front of the Grand Jury, there's things that I
2 forgot. I was nervous.

3 Q. Now --

4 A. I mean, my whole life was upset. Just think about
5 it, I came from a wonderful vacation, and I was whirled
6 away, a death threat on my life.

7 Q. So your answer is, you don't recall all the details
8 of that conversation?

9 A. I don't really -- no, I really truthfully don't.

10 Q. I'd like to ask you some questions about the farm.
11 You lived out at the farm for 17 years; is that correct?

12 A. Yes.

13 Q. And how would you describe the shape of the farm when
14 you first went out there 17 years ago?

15 A. I always called it the grapes of wrath if you want to
16 know the bottom line. I never thought -- I mean, it's been
17 painted on the radio and everything as a show place. It's
18 a working barn. It's a farm to me. It's not a Lexington,
19 Kentucky, or Louisville place by a long shot.

20 Q. Isn't it true you described it in the past as being
21 quite rundown?

22 A. Yes, that's what I'm saying. It still is rundown as
23 far as I'm concerned.

24 Q. And isn't it true that there are times that you have
25 complained to people that one of the reasons it's so

Ferrante - Cross/Morford

1 rundown is because the Congressman's cheap and won't fix
2 things that need to be fixed?

3 A. I have said that the Congressman's cheap, and he was
4 cheap at different times. And then he was generous at
5 other times.

6 Q. Isn't it true you complained to people there are
7 things that need to be fixed, but he's too cheap to fix
8 them, your words?

9 A. There always got to be a reason why something needed
10 fixing, and that's the reason I always said you have some
11 money, and I don't have any because I'm the type that would
12 go and fix it right away, whether I had money or not, and
13 he's the type that would think about it and think and think
14 and think. It really needed to be done.

15 Q. Isn't it true you stated in the past that Congressman
16 Traficant doesn't like to pay to have things done, that
17 he's a trader. He's a huckster and likes to trade?

18 A. He's a huckster and likes to trade. If he can get a
19 job traded for something, he loved it. I mean, if you
20 mowed my hay, I will come help you mow yours, things like
21 that. Yeah, he's -- he always was like that.

22 Q. Isn't it true that you've also stated that he would
23 go out and try to find people who would come out and work
24 on the farm for free because of his position?

25 A. No, I never said that. I never said that. I said

Ferrante - Cross/Morford

1 people dropped off there and would come there that needed
2 work and needed a home and needed a place to stay. He
3 never went out looking for people. They always flocked to
4 him because they didn't have a roof over their head the
5 majority of them.

6 Q. Bringing your attention to the Grand Jury testimony
7 on Page 67, Line 20, isn't it true that you were asked this
8 question and gave this answer:

9 "Question: I believe one of the things that you told
10 the agent is that there were many times that people came
11 out to the farm and offered to help Jim Traficant because
12 of who he was, and that Jim Traficant would allow them to
13 do him favors and overwork them until they got angry and
14 left? Do you remember that?

15 "Answer: Yes. People went out there and volunteered
16 their services, and he was a slave driver."

17 A. Well, he was.

18 Q. It was like being in a concentration camp. He
19 wouldn't give them anything. He would just say I need more
20 work done. I have to go back and get people that wanted to
21 offer their services.

22 Isn't that your answer that day?

23 A. Here's how I -- what I said there was yes, he -- he
24 was a slave driver. He'd come home on the weekends, and
25 everybody was cracking, and people would come out there and

Ferrante - Cross/Morford

1 offer their services. And I'm talking about friends. I'm
2 not talking about contractors and everybody else. People
3 would come out and offer him a hand to do whatever it was
4 on that farm. And he did work them to death, and I'd make
5 him stop and take them water and feed them a sandwich
6 because he's -- he's a nonstopper. I've watched him come
7 home from Washington and get in there at 9:00 and work from
8 9:00 at night until the following day until he was done.
9 He never stopped. All night long he'd work mowing or doing
10 whatever he had to do. A lot of times he'd come home on
11 weekends and have to clean stalls and wouldn't stop until
12 they're done.

13 Q. Ma'am, the question for the Grand Jury was
14 specifically regarding people that came to the farm and
15 offered to help Jim Traficant because of who he was, and
16 you said yes, correct?

17 A. Well, if it was -- you know, I was nervous during the
18 Grand Jury. There's a lot of things of this and that.
19 Maybe I did say that. I don't recall, but I do know that I
20 have no reason to lie. I'm telling you what I can
21 remember, and that's all I can tell you.

22 Q. But the truth is, you know that the Buccis were out
23 at the farm doing work, right?

24 A. Yes, I knew the Buccis were there.

25 Q. On your own firsthand knowledge, apart from anything

Ferrante - Cross/Morford

1 Congressman Traficant might have told you, you had no idea
2 what the arrangement was with the Buccis as to how they
3 would be paid, correct?

4 A. I thought there was a bill that the Buccis presented.
5 If I recall, I told you in your office.

6 Q. Isn't it true you told us you only knew that from
7 what Congressman Traficant told you?

8 A. No, I did not say that. I don't recall that. I
9 can't remember if I said that, but I do know one thing:
10 That they came out there, and they -- Jim didn't like them.
11 He liked Dan Bucci.

12 MR. MORFORD: Your Honor, I would ask -- this
13 is unresponsive and going into hearsay.

14 THE WITNESS: It might be hearsay; it's a
15 fact.

16 THE COURT: What we have to do in a court is
17 have someone ask a question and have the witness answer.

18 THE WITNESS: Okay.

19 THE COURT: And then someone asks a question,
20 and then the other side gets a chance to do that. We just
21 do it so we don't let people just come up and talk.

22 THE WITNESS: Okay. Thank you, Judge.

23 THE COURT: So the jury can hear both sides.
24 Okay?

25 THE WITNESS: Well, I don't know procedures.

Ferrante - Cross/Morford

1 THE COURT: It's nothing wrong. It's not
2 easy to get used to. Just relax, listen to what he says,
3 and try to answer the question he asks. Okay?

4 THE WITNESS: Okay. And I'd also, Judge, may
5 I say something?

6 THE COURT: No.

7 THE WITNESS: I just -- okay.

8 THE COURT: That's what you can't do here.

9 THE WITNESS: Okay.

10 THE COURT: If we were sitting around
11 talking, you could. All right?

12 THE WITNESS: Okay.

13 BY MR. MORFORD:

14 Q. Reading from your Grand Jury transcript at Page 30
15 and 31, beginning at Line 17, weren't you asked these
16 questions and gave these answer?

17 "Now, with respect to some of this work that was
18 done, were you aware of some people called the Buccis that
19 came out and did some work?

20 "Answer: Yes.

21 "Question: Were you personally involved in
22 discussions with the Buccis as far as what they would do or
23 what they were doing and what they were charging and how
24 they were being -- to be paid?

25 "Answer: No, sir.

Ferrante - Redirect

1 "Question: So any information that you would have
2 regarding that would have come directly from Congressman
3 Traficant; is that correct?

4 "Answer: Yes, sir.

5 Isn't that, in fact, your testimony under oath?

6 A. I can't remember if I said that. I said that. I
7 mean -- but I do know that I was --

8 Q. I'm sorry. There's no question.

9 My question was: Was that your testimony under oath?

10 A. If you said it was.

11 MR. MORFORD: May I have one moment, your
12 Honor? I have nothing further.

13 THE COURT: Congressman, you may inquire.

14 MR. TRAFICANT: Yeah, I have some questions.

15 REDIRECT EXAMINATION OF SANDRA FERRANTE

16 BY MR. TRAFICANT:

17 Q. Sandy, did I coach you at all?

18 A. No, you did not.

19 Q. Now, Mr. Morford just put you through some rough
20 questioning, didn't he?

21 MR. MORFORD: Objection to the
22 characterization, your Honor.

23 THE COURT: Well, everybody was here. We all
24 heard what happened. So go ahead.

25 Q. How did it compare with his tone at the Grand Jury?

Ferrante - Redirect

1 MR. MORFORD: Objection.

2 THE COURT: You can answer that.

3 THE WITNESS: Well, he's nicer today than he
4 was then. He's being nice to me. He's talking softly,
5 he's talking nice. When we got in the Grand Jury, he was
6 red faced and just like this. I mean --

7 Q. I didn't hear you.

8 A. At the Grand Jury, he got red in the face, and he
9 was -- he seemed angry with me. That's the reason when I
10 left the courtroom I was crying. I felt intimidated.

11 Q. Now, he had asked you, wasn't it a fact he came up to
12 you and tried to console you and apologize to you after the
13 Grand Jury testimony, is that true or false?

14 A. That's false.

15 Q. Now, he had shown you Page 31. You have Page 31 of
16 what he just showed you?

17 A. I don't have anything.

18 Q. Read that.

19 THE COURT: Just read it to yourself.

20 MR. TRAFICANT: Read it to yourself.

21 THE WITNESS: I'm having a hard time seeing.
22 Is your glasses magnifying? Can I borrow them?

23 MR. TRAFICANT: See if you can read that.

24 THE WITNESS: Thank you. I cannot see it.
25 It's so blurry.

Ferrante - Redirect

1 BY MR. TRAFICANT:

2 Q. When you testified to the Grand Jury, were you very
3 nervous, Sandy?

4 A. Very nervous.

5 Q. Were you frightened?

6 A. Pardon me?

7 Q. Were you frightened?

8 A. I was frightened over the whole ordeal, yes.

9 Q. I have a number of questions for you. Did you
10 testify truthfully on the stand about slashing my tires?

11 A. Yes, sir.

12 Q. Did you testify truthfully on the stand about
13 shoplifting?

14 A. Yes, sir.

15 Q. Was that embarrassing?

16 A. Very.

17 Q. Did he use that tone of voice that he used today at
18 the Grand Jury?

19 MR. MORFORD: Objection.

20 THE COURT: You've been over that and over
21 that. Would you please go to a new question?

22 Q. Did you testify truthfully about Chuck O'Nesti?

23 A. Yes.

24 Q. What is important about the barn aisles, Sandy?

25 A. Well, you try to keep them clean.

Ferrante - Redirect

1 Q. Why do you have to keep a barn aisle clean?

2 A. In the summer months, it's to keep the flies down,
3 and for -- like during the summer months, flies -- if you
4 have -- of course, everybody knows that debris brings
5 flies, and manure if it gets on the horse's legs, it
6 creates bogs, like little eggs that form on horses' legs,
7 and bogs cause worms that get into the blood stream of a
8 horse and kill a horse.

9 Q. Did you ever take it upon yourself to make sure that
10 the aisles were kept clean when you were there?

11 A. Yes, good many years, I did.

12 Q. Was that one of the major problems he had with Broad?

13 A. Yes.

14 Q. Did you ever ask the FBI to allow you to visit with
15 Thad Broad?

16 A. Yes, I did, on several occasions.

17 Q. Were you ever able to visit with Thad Broad?

18 A. No, because he was always moved from one place to
19 another.

20 Q. Now, when the Prosecutor was going over about when
21 the Judge said is there anybody that has any questions or
22 wants to make a statement, did you want to make a
23 statement?

24 A. I wanted to ask Thad, yes, I wanted to ask him why.

25 Q. Who stopped you from making the statement?

Ferrante - Redirect

- 1 A. Mr. Morford.
- 2 Q. Do you know a man named Penny Pennington?
- 3 A. Yes, I do.
- 4 Q. Would you explain how you knew him?
- 5 A. He shows horses, and I've known him for a good many
- 6 years.
- 7 Q. What kind of horses does he show?
- 8 A. American saddle breeds and primarily parade horses,
- 9 the type of horses that I've always shown.
- 10 Q. Did he have occasion to call you?
- 11 A. Yes, he did.
- 12 Q. Relative to what?
- 13 A. He wanted to buy some -- a couple horses, maybe one
- 14 horse, two horses, and he knew that I had a -- your horse
- 15 showing that was a world champion and said, do you have any
- 16 more in the barn like that? I said he has a barn full of
- 17 good horses. You ought to come take a look.
- 18 Q. Did Mr. Pennington ever come to the farm?
- 19 A. Yes, he did.
- 20 Q. Did Mr. Pennington talk with you and me?
- 21 A. Yes, he did.
- 22 Q. Did you see Mr. Pennington do anything?
- 23 A. When?
- 24 Q. After we concluded our conversation?
- 25 A. Yes. He -- he purchased two horses from us.

Ferrante - Redirect

- 1 Q. How did he purchase the horses?
- 2 A. We bought them.
- 3 Q. How did he pay?
- 4 A. Oh, he -- he paid -- he had cash.
- 5 Q. And what did you see next?
- 6 A. You didn't want to accept it. You said no, give me a
- 7 check, and he said -- he said I don't deal in checks. He
- 8 says pay me cash. I'll pay you cash, and then you said
- 9 he'd come over to me and said, you know, you've been in the
- 10 horse business a good many years. He said money talks.
- 11 And he says, you know, you sometimes can get paid in cash
- 12 and get it cheaper. I said I know, but in this case, I
- 13 said you've got to do what he wants you to do.
- 14 Q. Did you see him hand me cash?
- 15 A. Yes, I did.
- 16 Q. Did I accept the cash?
- 17 A. The first time, no.
- 18 Q. The second time?
- 19 A. Yes, you did. You took it.
- 20 Q. How many horses did he buy?
- 21 A. He bought two.
- 22 Q. Are you under treatment now, Sandy?
- 23 A. Pertaining to my health, you mean?
- 24 Q. Yes.
- 25 A. Yes. I have been a long time.

Ferrante - Redirect

1 Q. Did they intensify after the FBI meeting with the
2 tape?

3 A. Well, nerve-wise, yes. I mean, I -- I gained weight.
4 I've gained 40 more pounds, and I've been -- you know, I
5 would say -- I can't blame the tapes for my -- everything,
6 but, gentlemen, I was nervous. I was upset. I ate more.
7 I was, you know, I just -- the weight creates more back
8 problems, more knee problems. So I'm doctoring for a lot
9 of things.

10 Q. How much did you weigh approximately at the time that
11 they played the tapes?

12 A. Probably 250 pounds. And I weigh 300 now, so --

13 Q. Did he ever demean you in public, Sandy?

14 A. No.

15 Q. Was it an election time for me when you made that
16 public statement?

17 A. Yes.

18 Q. Did I ever make a statement about your public
19 statement in the press?

20 A. No.

21 Q. When you apologized to me, were you crying?

22 A. Well, not when I first came. But, yes, I started to
23 cry real bad. And I still feel bad, very bad. I'm hurt.
24 I've been hurt over it all, and I just -- I feel bad about
25 everything.

Ferrante - Redirect

1 Q. You miss the farm?

2 A. Oh, and I have spent the last 17 years of my life
3 there. Yes, it was a big expense. I had to move. I
4 didn't have the money. I had a four-bank garage filled
5 with stuff, antiques my mother and dad left me, a house
6 full of furniture from my marriage with my ex-husband, and
7 here I was, I didn't have any place really to go.

8 So -- I left everything at your farm. I had no
9 choice, and I went to live with my ex-husband. So yes, it
10 was a big -- it was a big thing for me. It was a mental
11 and a physical big thing.

12 Q. What is the physical condition of your husband today?

13 A. He's in bad shape. He's -- he had the two heart --
14 the open heart and the two strokes, and he's pretty much
15 flaccid on his left side, and he can't do anything himself.

16 He has totally -- he's -- he can walk with
17 assistance, with somebody holding him, but it's not good.
18 And he can only go like four steps. We have him in therapy
19 now.

20 Q. How many years have you been divorced from him?

21 A. I got a divorce in 1987.

22 Q. And who is his primary caretaker today?

23 A. I am. We live together. We stay together.

24 Q. You help him with the bathroom?

25 A. Yes. I do everything possible for him.

Ferrante - Redirect

1 Q. I'm going onto show you something.

2 Was there a time Chuck O'Nesti was being bantered
3 around about being a member of organized crime, Sandy?

4 MR. MORFORD: Objection on hearsay grounds
5 unless she has some firsthand knowledge.

6 THE COURT: She may, so --

7 MR. TRAFICANT: Look to the bottom of it.

8 THE COURT: You will have to establish some
9 reason why this witness -- this could be --

10 MR. TRAFICANT: I want to show it to her.

11 THE COURT: -- used with this witness. Well,
12 it's not just showing it to her. You have -- we can do
13 this, at a short break, the afternoon.

14 MR. TRAFICANT: Let me try to establish it.

15 THE COURT: Okay. But don't show it to her
16 first. First just try to establish some basis why she has
17 any knowledge of it.

18 BY MR. TRAFICANT:

19 Q. Did you ever see anything that sort of like
20 vindicated Mr. O'Nesti of ties with organized crime?

21 A. Yes, the newspapers, and things.

22 Q. Did Mr. O'Nesti ever handed you anything to show that
23 he was clean?

24 MR. MORFORD: Objection.

25 THE COURT: Sustained.

Ferrante - Redirect

1 Q. You have any personal knowledge of having seen
2 anything concerning Mr. O'Nesti's supposed organized crime
3 background?

4 A. Yeah, I can say I did. One time I saw he was passing
5 out things. He brought one out. He gave me one of the
6 papers showing that he wasn't affiliated, trying to prove a
7 point, and gave it to other friends and people. I don't
8 know, I just -- from what I recall, I believe he showed me
9 something like that, gave it to me.

10 MR. TRAFICANT: Can I show it to the witness?

11 THE COURT: Yeah.

12 Q. I want you to look at this very carefully.

13 THE COURT: Well, look it over, and see if
14 that's what he gave you.

15 THE WITNESS: Oh, not to read it? Yeah, it
16 looks pretty much like what he gave me.

17 MR. TRAFICANT: Your Honor, I'd like to put
18 this on the board, put the light on for me.

19 THE COURT: Congressman, Congressman.

20 MR. MORFORD: Objection. It has nothing to
21 do with this witness.

22 THE COURT: Right. We're going to have to --
23 we have to go over this when we go over the other ones at a
24 break. What we've done so far hasn't established that.
25 We've got a jury here who's able to hear testimony. So

Ferrante - Redirect

1 let's do it.

2 BY MR. TRAFICANT:

3 Q. Sandy, did you see George Buccella at the farm?

4 A. Yes.

5 Q. Do you know who he is?

6 A. Oh, yes, Butch.

7 Q. What was he known for?

8 A. Well, he was a great car driver.

9 Q. What, if anything, did you see him do out there?

10 A. He raked your hay, he'd come out and rake hay. He'd
11 come out and put a part on a tractor from time to time. He
12 would help with some of the hay as far as -- he always
13 complained of his back.

14 He would take hay and take it from the -- from the --
15 as the bales close to the end and put them on the elevator.

16 Q. On the percentage of the time that you saw George
17 Buccella at the farm, how many times did he have on office
18 clothes versus farm work clothes?

19 A. Well, he'd come out -- he would come out, dressed a
20 lot of times in his sports coat and stuff, and he'd fix a
21 part on the tractor, and then I'd see him a lot of times on
22 the weekends, and he'd be in different clothes. I mean, it
23 was just -- you know, different times. I saw him both of
24 -- both ways.

25 Q. How much would you say?

Ferrante - Redirect

1 A. Well, I can't -- how can I say, to honestly answer
2 you, I really can't say.

3 Q. That's fine.

4 A. Remember?

5 Q. When you slashed the tires, did you slash them on the
6 side, or did you slash them on the threads?

7 A. No, I did it where the white walls are.

8 Q. Have you slashed any tires since?

9 A. No.

10 Q. You know a fellow by the name of Joe Altiero?

11 A. Yes.

12 Q. What do you know about a fellow by the name of Joe
13 Altiero?

14 A. I was asked at the Grand Jury and showed a paper of a
15 sketch, and I did not recognize him, not at all. They
16 asked me several times. I said I did not -- I don't know
17 him. I'm sorry. This man they said broke bread at your
18 table. I said I can't remember. I don't remember him.
19 And then one day, the -- two FBI agents came to my home in
20 Heartfield, Chuck Perkins, and Rich Denholm and showed me
21 another picture, which was much better, and I said I do
22 remember him. I says -- I said I do remember him.

23 Q. What do you remember about him?

24 A. He came to the farm, and he helped out some there.

25 He didn't know a lot. He did help. I remember I felt bad

Ferrante - Redirect

1 for him. He didn't have a place. He broke up with his
2 girlfriend, and then I proceeded to even tell the two FBI
3 agents who told me that he was so broke. He was getting
4 KFC chicken out of the dumpster and eating it.

5 They put it in bags because they weren't allowed --
6 they had to throw it away, and he'd go over to KF Doctor on
7 South Avenue and eat it because he was that desperate and
8 destitute, and that's what I remember of him. And he also
9 told me he cleaned stalls at the Ohio State Fair. I asked
10 him if he had ever had any experience, and he said he did.
11 He cleaned stalls after the state fair.

12 Q. Did you ever see him turn a horse out?

13 A. No, he wasn't a horseman. He couldn't handle them.
14 No.

15 Q. Sandy, if he was --

16 A. He was afraid of them really.

17 Q. If a horse is in a stall, would you turn it out in
18 the field, in barb wire?

19 A. Not saddle bred you wouldn't. The type of horses you
20 have, and I have, perhaps.

21 Q. Did you see them over a period of six months?

22 A. No, um-um.

23 Q. Did you see --

24 A. Maybe, or two, three weeks.

25 Q. By the name of Richard Rovnak?

Ferrante - Redirect

1 A. Yes, I remember him.

2 Q. Richard Rovnak come out to the farm?

3 A. I didn't remember -- I can honestly say I didn't
4 remember it. I saw his ad in the paper, but I did remember
5 him later on. Yes, I did see him at the farm.

6 Q. When did he first start coming to the farm?

7 A. He came out there, and he wanted a job.

8 Q. You know if he ever got hired?

9 A. I really don't know if he did or didn't. I assume he
10 did because I never saw him back after he was there off and
11 on for about a week, and I never saw him back again.

12 So I don't know if you hired him or not because he
13 wasn't of any interest to me.

14 Q. Was Anthony Traficanti out at the farm?

15 A. Yes, he was.

16 Q. And what did Anthony Traficanti do?

17 A. He helped -- he helped with the hay.

18 Q. And what did he basically do with the hay?

19 A. He would help -- he had asthma real bad, and he -- he
20 couldn't breathe, and he'd come out there, and he was --
21 he's just a lovable big guy and wants to help you, and he'd
22 come and couldn't breathe, and he'd wear a mask. And you
23 kept on him about his weight all the time, and he said I'm
24 coming out here to use this for a horse and ended up eating
25 spaghetti in my kitchen.

Ferrante - Redirect

1 Q. Did you make spaghetti for all the people?

2 A. I used to cook a lot. I love to cook, and I -- yes,
3 because you worked -- you worked them to death sometimes up
4 there. Say, no breaks no breaks, we got the weekend here,
5 and got to go, got to go. I'd fix sandwiches.

6 Q. Are you familiar with making hay, Sandy?

7 A. Yes.

8 Q. What happens to hay if it gets rained on?

9 A. Gets moldy, and it's ruined, and you have to let it
10 re-dry, and it's never as good as the first time around.

11 Q. What would we do when we found mold in the hay?

12 A. After you baled it?

13 Q. And it was baled and you opened up and --

14 A. You used to call Dan Bucci and you would tell him to
15 come get it for their cows because I refused to feed it to
16 the horses because it causes colic and can founder a horse,
17 and in both cases, colic can be critical or complete -- it
18 could kill a horse and founder can ruin a horse for life.
19 So they're not of any use again. So I never would let you
20 even think about feeding it.

21 Q. What's the difference between alfalfa and regular
22 grass hay?

23 A. Well, alfalfa's the cream of the crop. It's the best
24 hay a farmer could make. And if your a dairy farmers, you
25 mostly feed alfalfa because it's very rich, tiny protein.

Ferrante - Redirect

1 Q. If a horse is not used to alfalfa and is fed alfalfa
2 accidentally, what would happen to the horse?

3 A. Well, they would either colic or again, they could
4 founder.

5 Q. Would you explain what founder is to the jury?

6 A. It's when the sole -- the coffin bone drops on a
7 horse's foot, drops down, and a ring develops and a disease
8 sets in, and pretty soon, a lot of times, horses die from
9 that, or they have to -- they get nervous. That's where
10 the fetlock area takes the nerves out so they have no
11 feeling in their feet, and eventually, they die from it
12 because if it's a chronic case -- sometimes there's a
13 rotation of the hoof, and sometimes it can be corrected,
14 but in a lot of cases, it can't be.

15 Q. Did the horse that we showed on the screen have a
16 problem with --

17 A. Yeah, he got a little touch of founder. He got a
18 little touch of founder, too, and that was due to that,
19 just a dab, but I -- I got it corrected with the vets, and
20 he did have a little bit of a thrush problem.

21 Q. Was that the -- was that the bottom line with you and
22 Thad?

23 A. Yes, it was. Yes. My heart ached because that horse
24 was suffering because of his ignorance.

25 Q. At the time during the week, where was I?

Ferrante - Redirect

1 A. In Washington.

2 Q. Were you in good health?

3 A. Well, I haven't been for quite awhile. I was
4 working, and I fell, and first I fractured my lower back
5 galloping a race horse years ago, and then in '86 or '87, I
6 was working and had heels on, got my hook caught in a
7 driveway in a little crease and refractured the lower part
8 of my lower back half.

9 Q. Did you ever see me with manure all over me, Sandy?

10 A. I've seen you many ways, yes. I've seen you -- I've
11 seen you dirty, perspiring, working.

12 Q. You ever see seen me clean stalls?

13 A. Oh, yeah.

14 MR. MORFORD: Objection on relevance and also
15 well beyond the scope of cross I should say.

16 THE COURT: Let's move this along,
17 Congressman.

18 Q. Are you familiar with my equipment?

19 A. Yes.

20 Q. Is it old, or is it new?

21 A. I'd say it's pretty old. You bought not a -- a few
22 years ago, not too long ago, you bought a nice -- I think
23 it was a baler, a new baler. You had problems after you
24 got there. Seems like your equipment was always breaking
25 down, something was wrong with it.

Ferrante - Redirect

1 Q. Did the FBI at any time make you believe deep down
2 that I was behind your murder threat?

3 MR. MORFORD: Objection.

4 THE COURT: You can answer.

5 THE WITNESS: All they would ever say was
6 here, you heard the tapes. I'd say do you think he could
7 really -- I was in doubt. I mean, I heard the tapes
8 myself, and they said you heard the tapes. You heard the
9 tapes.

10 But they never mentioned your name, I can honestly
11 say that.

12 Q. Did you ask for a copy of it?

13 A. I wanted a copy, yes, and I didn't get a copy. I
14 asked her four times for a copy of it. As a matter of
15 fact, I went right to their office and asked for a copy,
16 and they said they wanted me to --

17 Q. Where was their office?

18 A. Off of Western Reserve Road.

19 Q. Now, when you had this conversation with Mr. Denholm,
20 was it --

21 A. Rich, um-hum.

22 Q. Rich, whoever it was -- did you suggest to him you
23 would be safer by going public?

24 A. See, I can't recall that. I just know that we had
25 talked, and it seemed to me that it was the -- in our

Ferrante - Redirect

1 conversation, word for word, I can't remember what was
2 said. I just felt it was the best thing, and I got the
3 feeling that he felt the same way.

4 I mean, I just felt that.

5 Q. Would you have made that statement had you not talked
6 with the FBI Agent Denholm?

7 A. I can't honestly answer that. I don't remember
8 truthfully. I really truthfully do not remember.

9 Q. Are there some buildings at the farm literally
10 falling in?

11 A. Yes.

12 Q. The back of the machine's yet falling in?

13 A. Yes.

14 Q. Back step down the shed falling down?

15 A. Yes. The grapes of wrath.

16 Q. Now, if you saw that picture a thousand feet in the
17 air, how do you think it would look?

18 A. Which picture?

19 Q. If you saw a picture of the farm way up high, how
20 would it look?

21 A. I saw in the newspaper how it looks. It looks real
22 good.

23 Q. When you get up close and look at the fine points,
24 how does it look?

25 A. Well, the arena looks nice. The rest is old. The

Ferrante - Redirect

1 rest is -- and there is a lot of buildings that aren't
2 nice, and a lot of area in the back that's -- that's
3 essentially terrible.

4 Q. Now, did anybody ever make hay when I wasn't there?

5 A. Oh, no, no. You wouldn't let them. Nobody could
6 suit you. Nobody could do anything. You had to be there
7 to make sure everything was being done, the mowing and the
8 tettering, all that was done. It was always a rush job. I
9 even asked if the neighbor could come down one time and mow
10 for you because I was worried about the hay getting too
11 ripe, and you would say, no, no, no. I got to do it. One
12 time Dan Bucci I remember came over and made a patch of hay
13 for us --

14 Q. Stop right there. Do you know why he came over?

15 A. Yeah. Your machine broke down.

16 Q. How much hay did he bale?

17 A. It wasn't very much. I can't say exactly how many
18 bales, but it wasn't that much.

19 Q. How would you describe your life now as compared to
20 the day the FBI visited you at your husband's house in
21 Canton?

22 MR. MORFORD: Objection.

23 THE COURT: We've heard a pretty good
24 description of all this. The jury can pull this together.
25 We need to stay on what's relevant with this witness.

Ferrante - Redirect

1 Q. Mr. Morford was asking you about this ordeal with the
2 FBI. In looking back, were you used by the FBI?

3 MR. MORFORD: Objection.

4 THE COURT: Sustained.

5 Q. Did you once or twice run hay to the farm?

6 A. I'm sorry?

7 Q. Did you drive a hay rake at the farm?

8 A. Yes. I tried, years ago.

9 Q. Now, do you know for sure that Chuck Perkins is an
10 FBI agent?

11 A. He was with them. Yeah, he showed me a badge of some
12 sort when I first met him, when I -- when I heard the
13 tapes. He was a very nice person. I liked him a lot.

14 Q. Now, when you come out of the Grand Jury room, who
15 consoled you?

16 A. He did. He has a great warmth. He knew how I was
17 feeling. He knew how upset I was, and he -- he put his arm
18 around me, and he said Sandy, he says, honey, he says,
19 don't take this to heart. And I said, well, he tried to
20 embarrass me in there; he tried to belittle me.

21 MR. MORFORD: Objection. This has nothing to
22 do with his question. It's been asked and answered.

23 THE COURT: We've heard this a couple of
24 times now, Congressman, let's move along.

25 BY MR. TRAFICANT:

Ferrante - Redirect

1 Q. Now they asked you about the bartering. What kind of
2 bartering did I do?

3 A. Well, for instance, across the street, Dan and you
4 exchanged each favors to each other as far as doing hay and
5 doing a favor for him. You'd go over and mow and help him
6 out, that type of thing. I mean, you know, if you could
7 get somebody to give you a hand, you loved it.

8 Q. Did Dan come over and ever take sawdust out of the
9 barn?

10 A. Yeah, he did, um-um.

11 Q. And we used to give him -- you gave him --

12 THE COURT: Wait. There's no question in
13 front of you.

14 THE WITNESS: I'm sorry.

15 Q. You also gave him the straw and molded hay, didn't
16 you, Sandy?

17 A. Yes, sir.

18 MR. TRAFICANT: No further questions.

19 MR. MORFORD: Nothing further.

20 THE COURT: Thank you so much. Step down
21 carefully.

22 THE WITNESS: Okay.

23 Thank you for having patience with me.

24

25

Kidwell - Direct

1 BRIAN KIDWELL

2 of lawful age, a witness called by the Defendant,

3 being first duly sworn, was examined

4 and testified as follows:

5 DIRECT EXAMINATION OF BRIAN KIDWELL

6 BY MR. TRAFICANT:

7 Q. Would you give us your full name, and spell your last
8 name?

9 A. Brian Keith, K-I-D-W-E-L-L.

10 Q. And where do you reside?

11 A. I live at 1861 Youngstown, Kingsville Road, Ravenna,
12 Ohio.

13 Q. How long have you lived there?

14 A. Since 1985.

15 Q. Where do you work?

16 A. Standway Metal Products.

17 THE COURT: Could you speak a little louder?

18 Would you speak into the microphone like I am here?

19 Q. Where do you work?

20 A. Standway Metal Products.

21 THE COURT: That's good.

22 Q. What do they make?

23 A. Tanks.

24 Q. What kind of tanks?

25 A. For fuel tanks and gas stations and --

Kidwell - Direct

- 1 Q. What specific task do you perform there?
- 2 A. Weld.
- 3 Q. Can you use all kind of welding equipment?
- 4 A. Yes, I can.
- 5 Q. Did you own any other property?
- 6 A. Yes, I owned 1863 Youngstown-Kingsville Road; the
- 7 adjoining line property.
- 8 Q. And if you could speak up. 1863 Youngstown
- 9 Kingsville Road, what was it?
- 10 A. Vienna, Ohio, a rental house.
- 11 Q. Did you rent the home?
- 12 A. Yes. I did.
- 13 Q. Did you at some point come into possession of a
- 14 welding machine?
- 15 A. Yes, I did.
- 16 Q. Who delivered the welding machine to you?
- 17 A. You brought it.
- 18 Q. And where did you pick it up?
- 19 A. Your office in Youngstown.
- 20 Q. Is it a very heavy machine?
- 21 A. Yes, it is about seven or 800 pounds.
- 22 Q. You know if it's on its way up here for the jury to
- 23 see?
- 24 A. Yes, it is.
- 25 Q. And when is it expected to be here?

Kidwell - Direct

1 A. I'm not sure. The trailer he had it on, the wheel
2 bearing went out of it.

3 Q. But, it will be here today or tomorrow?

4 A. Yes, it will.

5 Q. C-7.

6 THE COURT: Thanks.

7 Q. Would you look at this?

8 A. Yes, that's the machine.

9 Q. Is that a picture of the machine?

10 A. Yes, it is.

11 MR. TRAFICANT: Can I put this on the screen,
12 your Honor?

13 THE COURT: Yes.

14 Q. Are you familiar with all kinds of welding equipment?

15 A. Yes.

16 Q. Is that the machine that was delivered to you?

17 A. Yes, it is.

18 Q. Did you ever use that machine?

19 A. No, sir. It's never been wired up for use.

20 Q. How did you get that machine that weights 7 or 800
21 pounds into your truck?

22 A. We backed the two trucks up together and tailgate --
23 the tail gate and roll it on some wheels.

24 Q. At what location?

25 A. Your office in Youngstown.

Kidwell - Direct

1 Q. Is that the office on Overhill Road?

2 A. Yes, it is.

3 Q. Describe the driveway into that garage.

4 A. Okay. Go down a little bit.

5 Q. From the driveway, it goes down hill, does it not?

6 A. Yes, it does.

7 Q. How did we transfer that from my truck to your truck?

8 A. You dropped the two tail gates and backed them in,
9 the two tail gates together.

10 Q. Where did you take that?

11 A. To my house.

12 Q. And where did you put it?

13 A. Into my garage.

14 Q. Did you ever start that machine?

15 A. No. The machine's never been used.

16 Q. Was there another part of that machine the picture
17 doesn't show?

18 A. Yes. It is -- it sits on top of the box there. It's
19 a yellow box.

20 Q. What is that box?

21 A. The equipment to haul the machine in it.

22 Q. Now, what, if anything, were you told about this
23 machine?

24 MR. MORFORD: Objection, hearsay.

25 THE COURT: Right.

Kidwell - Direct

1 Q. What was your understanding of what the machine was
2 to be used for?

3 MR. MORFORD: Objection, because it comes
4 from hearsay.

5 THE COURT: Right, he knows well. Maybe you
6 can rephrase these questions.

7 Q. Were you to do something with that machine?

8 A. Yes, I was.

9 Q. What were you to do?

10 A. I was going to make some trailers, aluminum trailers.

11 Q. For who?

12 A. Aerospace.

13 Q. Did you have a conversation with any of their
14 principals?

15 A. Yes, one person.

16 Q. Who?

17 A. Richard.

18 Q. You remember his last name?

19 A. Detore.

20 Q. Did you make a trailer?

21 A. No, I didn't.

22 Q. Then how did you know what kind of trailer you were
23 to make?

24 A. They give me the drawings.

25 MR. TRAFICANT: G-66.

Kidwell - Direct

1 THE COURT: And that's fine.

2 Q. Can you look through those?

3 Do you recall this document?

4 A. Yes, I do.

5 Q. How did I get this document?

6 A. Through Richard -- I give you --

7 MR. MORFORD: Objection, unless he knows from
8 his own firsthand knowledge, your Honor.

9 THE COURT: Yes, now he's testifying --

10 Q. Did you have this in your possession?

11 A. Yes, I did.

12 Q. Did you give it to me?

13 A. Yes, I did.

14 Q. What is that made out of?

15 A. Aluminum.

16 Q. What is that welding machine for?

17 A. Welding aluminum.

18 Q. Did I have anything aluminum at my farm?

19 A. No, you don't.

20 Q. Is that another view of that same thing we've just
21 seen?

22 A. Yes. That's the back of it, but you need to turn it.

23 Q. Do you know if a prototype was to be built?

24 A. Yes.

25 Q. After the prototype was built, what, if anything,

Kidwell - Direct

- 1 were you to do?
- 2 A. I was going to take a copy of it, see if I could
- 3 build it cheaper.
- 4 Q. Did you ever get a prototype copy --
- 5 A. No, I didn't.
- 6 Q. Do you know if the company ever built one?
- 7 A. No. They never had one built.
- 8 Q. Now, are you familiar with a generator?
- 9 A. Yes.
- 10 Q. What kind of generator was it?
- 11 A. A Honda generator.
- 12 Q. Did you ever -- who delivered it to you?
- 13 A. You brought it in, I picked it up.
- 14 Q. Where did you pick it up?
- 15 A. At your farm.
- 16 Q. Where was it when you picked it up at my farm?
- 17 A. On the pickup truck.
- 18 Q. Was it real heavy?
- 19 A. Yes, it was probably 300 pounds.
- 20 Q. What did we do? How did we unload it?
- 21 A. The same we did with the welder.
- 22 Q. Now, where did you have the welder stored?
- 23 A. Underneath the --
- 24 Q. The welder, the welder?
- 25 A. Oh, the welder was in my garage at home.

Kidwell - Direct

1 Q. Did you yourself buy any further equipment for this
2 welder that wasn't provided for it?

3 A. No. I ordered a foot pedal but never picked it up.

4 Q. You ordered a foot pedal?

5 A. Yes, I did. I never picked it up because it fell
6 through.

7 Q. Did you have a -- where did you store the generator?

8 A. I had it in my next door house.

9 Q. Where in your next door house?

10 A. A crawl space right between the breezeway and the
11 house.

12 Q. A breezeway between a house and what?

13 A. The garage.

14 MR. TRAFICANT: C-8.

15 MR. MORFORD: I've never seen this before.

16 MR. TRAFICANT: It was an exhibit presented
17 on discovery.

18 THE COURT: Thank you. C-8? This has writing
19 so I have to keep this up here. Don't show him the
20 writing.

21 MR. TRAFICANT: I won't show him the writing.

22 THE COURT: Thanks.

23 BY MR. TRAFICANT:

24 Q. I want you to take a look at this, and just take a
25 look at it.

Kidwell - Direct

1 A. Yes.

2 Q. I want to put this on the screen.

3 THE COURT: See if he can identify it. Can
4 you identify this?

5 THE WITNESS: Yes. That's the garage to the
6 house after it burned down.

7 THE COURT: Where is that, Congressman?
8 Would you find out where the -- what the --

9 MR. TRAFICANT: That was -- what was the
10 address at the house that was burned down?

11 THE WITNESS: 1863.

12 Q. Did you report it on your insurance?

13 A. Yes, I did.

14 Q. Did you report the generator on your insurance?

15 A. Yes, I did.

16 Q. Had you ever started the generator?

17 A. No.

18 Q. Have you ever started the welder?

19 A. No.

20 Q. Now, in looking at this, what remains?

21 A. Just the garage that got torn down.

22 Q. What happened to the generator?

23 A. It burned in the fire.

24 Q. And you reported to the insurance company?

25 A. Yes. But they wouldn't cover it because it was a

Kidwell - Direct

1 rental house.

2 Q. And you had no insurance on that piece of equipment?

3 A. No, I wasn't covered.

4 Q. Now, in this breezeway, what was the floor of that
5 breezeway?

6 A. The floor was concrete.

7 Q. And that's where you stored it?

8 A. It was underneath the house.

9 Q. You have immunity, Brian?

10 A. Pardon?

11 Q. You have immunity?

12 A. Immunity? No. I never been convicted, no.

13 Q. You know what immunity is?

14 A. Tell me.

15 Q. If you don't know, I can't tell you.

16 Did the Judge or anybody ever say you had immunity
17 and --

18 A. No. I've never been convicted of anything or on
19 trial for nothing.

20 Q. Did you ever get a call from the company about this
21 equipment?

22 A. Yes, I did.

23 Q. Who called you?

24 A. Richard Gear.

25 Q. Richard Gear?

Kidwell - Direct

- 1 A. Richard.
- 2 Q. Whatever.
- 3 A. Yeah, whatever.
- 4 Q. Would you remember his name if you heard it?
- 5 A. Yes.
- 6 Q. Would it be furlough?
- 7 A. No.
- 8 Q. Detore?
- 9 A. Yeah, Richard Detore.
- 10 Q. And did, in fact, Mr. Detore call you about this
- 11 equipment?
- 12 A. Yes, he did.
- 13 Q. As a result of that, was there to be a meeting
- 14 between the two of you?
- 15 A. Yes.
- 16 Q. What was the purpose of that meeting to be?
- 17 A. He was going to pick the two machines up.
- 18 Q. Was that before or after the fire?
- 19 A. Before.
- 20 Q. Did you make arrangements to meet with him?
- 21 A. Yes, I did.
- 22 Q. Where were you to meet with him?
- 23 A. On Western Reserve Road at Highway 680.
- 24 Q. Is that near the turnpike?
- 25 A. Yes.

Kidwell - Direct

1 Q. What, if anything, happened on the day you were to
2 meet with him?

3 A. He called and told me that to cancel --

4 MR. MORFORD: Objection to what Richard
5 Detore said.

6 THE COURT: Okay. We can't talk about what
7 he said to you. Okay?

8 Q. Did Mr. Detore show up for the meeting?

9 A. No. He did not.

10 Q. Did you -- did you come to learn that Mr. Detore was
11 no longer with the company?

12 A. Yes, I did.

13 Q. Did anyone else later then call you about the
14 equipment?

15 A. Yes, one person did.

16 Q. Do you know whom that person was?

17 A. I never met the guy before. His name is Al.

18 Q. Did he talk about the machinery?

19 A. Yes. He wanted to know if I had it and what I was
20 doing.

21 MR. MORFORD: Objection to what Al Lange
22 said.

23 THE COURT: You can't state that.

24 Q. Did anyone ever pick the machinery up?

25 A. No, they did not.

Kidwell - Direct

- 1 Q. People back home like me, Brian?
- 2 A. Yes, they do.
- 3 Q. People back home fear me?
- 4 A. No.
- 5 Q. When is your birthday?
- 6 A. November 15th.
- 7 Q. Do you recall a weekend, the day before your
- 8 birthday, November 14th?
- 9 A. Yes, I do.
- 10 Q. What, if anything, did you do?
- 11 A. That morning I picked you up.
- 12 Q. Picked me up where?
- 13 A. Lincoln and Phelps, Youngstown College.
- 14 Q. Who gave you the directions?
- 15 A. You did.
- 16 Q. Are you very familiar with that?
- 17 A. Yes.
- 18 Q. But are you familiar with Youngstown State
- 19 University?
- 20 A. No, not really.
- 21 Q. Did you and I recently visit Youngstown State
- 22 University?
- 23 A. Yes, we did.
- 24 Q. Have you noticed changes around Youngstown State
- 25 University?

Kidwell - Direct

- 1 A. Yes.
- 2 Q. Did you identify the building?
- 3 A. Yes.
- 4 Q. What time did you pick me up?
- 5 A. Somewhere between 10:30 and 11:00. Somewhere in
- 6 there.
- 7 Q. When did you first see me?
- 8 A. Coming out of the building.
- 9 Q. Was I coming out early or late?
- 10 A. You were one of the first ones out.
- 11 Q. Have you ever gone to events with me?
- 12 A. Yes.
- 13 Q. Do I go out later, or do I go out early?
- 14 A. You're always one of the first ones out.
- 15 Q. What were you driving?
- 16 A. 1995 Chevy pickup.
- 17 Q. What was unusual about that truck?
- 18 A. Regular pickup with a cap on it.
- 19 Q. Where did you get the cap?
- 20 A. From you.
- 21 Q. How much was the cap worth?
- 22 A. Probably about a thousand dollars.
- 23 Q. Now, during the week, had we been doing something in
- 24 your garage?
- 25 A. Yes, we have.

Kidwell - Direct

1 Q. What were we doing?

2 A. Building some walls for a hunt.

3 Q. For whom?

4 A. For Dominic Marchese.

5 THE COURT: Could you spell it?

6 THE WITNESS: I'm not sure how you spell
7 that.

8 THE COURT: Okay.

9 Q. Do you know Mr. J.J. Cafaro?

10 A. Yes, I do.

11 Q. Did I come out of the building with Mr. J.J. Cafaro?

12 A. No, you didn't.

13 Q. Do you know whom I come out of the building with?

14 A. No. I'm not sure what the guy's name was.

15 Q. Could you describe him?

16 A. Yes. He was a shorter guy, grayish hair.

17 Q. How long have you known Mr. Cafaro?

18 A. The years -- everybody knows J. J. Cafaro.

19 Q. Where did we proceed to go from there?

20 A. Your office.

21 Q. Why did we go to my office?

22 A. Pick up the pickup truck.

23 Q. Why did we need my pickup truck?

24 A. So I could haul the sides to build the hut.

25 Q. Why couldn't your truck be used?

Kidwell - Direct

- 1 A. Because I had a cap on it.
- 2 Q. Could we remove the cap?
- 3 A. Yeah, we could have, but it would have took a lot of
- 4 time.
- 5 Q. So we proceeded to the office. Where was the truck
- 6 located?
- 7 A. In your office, in your garage.
- 8 Q. Did you notice any other vehicles in the garage?
- 9 A. Yes, the gardener.
- 10 Q. Did you notice any other car in the parking lot?
- 11 A. Yes, your car outside.
- 12 Q. What color, what color was it?
- 13 A. A white car I believe it was.
- 14 Q. Did we enter that building?
- 15 A. Yes, we did.
- 16 Q. Through what door?
- 17 A. The main door. It was an access door going in.
- 18 Q. Did you start the diesel?
- 19 A. Yes, I did.
- 20 Q. How long was I gone before I returned to you after
- 21 you had the truck running?
- 22 A. Five minutes, if that. Long enough to change your
- 23 clothes.
- 24 Q. What, if anything, did we do after that?
- 25 A. I followed you back up towards my house.

Kidwell - Direct

1 Q. Did I stop in your house?

2 A. No, you drove home.

3 Q. Which direction was I headed?

4 A. North.

5 Q. On what route?

6 A. 193.

7 Q. What is that known as?

8 A. Youngstown-Kingsville Road or Belmont Avenue.

9 Q. And did you have knowledge of what -- where I was
10 going?

11 A. Yes.

12 Q. Where was I going?

13 MR. MORFORD: Objection, unless there's
14 knowledge something other than what the Congressman told
15 him.

16 THE COURT: If you know some other way
17 besides what he may have told you where he was going.

18 THE WITNESS: No. I knew where he was going.

19 THE COURT: Okay.

20 Q. Where was I going?

21 A. Dom Marchese's house.

22 Q. What's particular about the month of November?

23 A. It's my birthday, November 15th.

24 Q. What else?

25 A. Deer hunting, deer season.

Kidwell - Direct

- 1 Q. Do you know if I went deer hunting that day?
- 2 A. Yes, you went deer hunting.
- 3 Q. Do you know if I went deer hunting late in the day or
- 4 early in the day?
- 5 A. Later in the day.
- 6 Q. How did you come to learn that?
- 7 A. Because you tracked me down at The Rig.
- 8 Q. What was the rig?
- 9 A. It's a lounge.
- 10 Q. Were you with anybody?
- 11 A. Yes, I was.
- 12 Q. Were you driving?
- 13 A. No, I wasn't.
- 14 Q. Who was the fellow you were with?
- 15 A. Gene Fogel.
- 16 Q. Was he driving?
- 17 A. Yes.
- 18 Q. What kind of vehicle did he have?
- 19 A. Ford pickup truck.
- 20 Q. What color was it?
- 21 A. Burgundy.
- 22 Q. Did you see me in there?
- 23 A. Yes.
- 24 Q. Did you see me come in with somebody?
- 25 A. Yes.

Kidwell - Direct

- 1 Q. Whom did I come in with?
- 2 A. Dom Marchese.
- 3 Q. Did we leave together?
- 4 A. No, you did not.
- 5 Q. Who left?
- 6 A. Dom did.
- 7 Q. How long was he in the building?
- 8 A. He was gone within five minutes.
- 9 Q. And how long did we stay after that?
- 10 A. Ten minutes.
- 11 Q. Did Dominic come back and pick me up?
- 12 A. No, he did not.
- 13 Q. Do you know what car Dominic had?
- 14 A. At the time, I didn't.
- 15 Q. Now, when we left the rig, where did we go?
- 16 A. Back to my house.
- 17 Q. Who was all in the vehicle?
- 18 A. Me, you, and Gene Fogel.
- 19 Q. Who was driving?
- 20 A. Gene Fogel.
- 21 Q. Where was I seated?
- 22 A. In the back.
- 23 Q. At approximately what time, to the best of your
- 24 knowledge, did anybody show up?
- 25 A. You guys got to The Rig, it was right around 1:00.

Kidwell - Direct

1 Q. And when we got back to your house, did anyone pick
2 me up?

3 A. Yes.

4 Q. Who picked me up?

5 A. Dom Marchese did.

6 Q. What car?

7 A. Your car.

8 Q. Were you asked to do anything?

9 A. Yes. I was asked to go hunting with you.

10 Q. Was Gene Fogel still there?

11 A. Yes, he was. You asked me to go hunting with you the
12 next Wednesday to Mississippi, too.

13 Q. Did you go hunt in Mississippi the next weekend?

14 A. No, I didn't.

15 Q. Do you know if I had personal knowledge if I gone to
16 Mississippi hunting the next weekend?

17 A. Yes, you did.

18 Q. You know who I went with?

19 A. Yes, I do.

20 Q. Who was it?

21 A. Dom Marchese.

22 MR. MORFORD: Objection, unless he knows as
23 opposed to being told.

24 Q. Did you ever do any work for me out at the farm?

25 A. No.

Kidwell - Direct

1 Q. Did you do some repairs on the horse trailer for me?

2 A. Yes, I did.

3 Q. Describe how old it was?

4 A. 25, 30, 35 years old.

5 Q. And what was the problem with the horse trailer?

6 A. Rusted out.

7 Q. What was the condition of the floor?

8 A. Very poor.

9 Q. What, if anything, did you do?

10 A. I put a patch on the floor and fixed the tail gate
11 and supports.

12 Q. Now, if we kept score, who would owe money? Would
13 you owe me money over the top, or would I owe you money
14 over the work you did for me?

15 A. I would owe you money if we kept score.

16 Q. Did we keep score?

17 A. No.

18 Q. Now, when your house burned down, did that generator
19 burn up with it?

20 A. Yes, it did.

21 Q. Was that generator taken with the rest of the
22 rubbish?

23 A. Yes, it was.

24 Q. What insurance companies do you have?

25 A. State Farm.

Kidwell - Direct

1 Q. Did you list it with State Farm?

2 A. Yes. But they weren't covered because it was a
3 rental house. They wouldn't cover it.

4 Q. Now, on that hut, let's go back to the weekend now of
5 the 7th, 6-7. Did you and I go anywhere relative to that
6 hut?

7 A. Yes, we did.

8 Q. Where did we go?

9 A. We went to the lumber mill and bought the poles to
10 build the hut.

11 Q. What mill? Speak up. What business was it?

12 A. We went to DIY, or Lowe's, one of the two. I can't
13 remember which one it was for.

14 Q. You know what road it was on?

15 A. Elm Road.

16 Q. What, in fact, was purchased?

17 A. The lumber to start building the hut.

18 Q. You know who paid for the lumber to start the hut?

19 A. Yes.

20 Q. Who?

21 A. You did.

22 Q. How did I pay it?

23 A. By check.

24 Q. Did you see me write the check?

25 A. Yes. I seen you as I was going to get the truck to

Kidwell - Direct

1 load the stuff.

2 Q. Now, to the best of your knowledge, who put the poles

3 in the ground?

4 A. Me and you.

5 Q. And who put the flat form on it?

6 A. Me and you.

7 Q. So now -- can you see this Brian?

8 A. Yes, yes.

9 Q. How many poles were there to this?

10 A. Four.

11 Q. How big was this hut?

12 A. Eight by 12.

13 Q. No, Dominic's hut.

14 A. About eight by ten or eight by 12. I can't really

15 recall right now. It's been awhile.

16 Q. And it's set off the ground, right, four posts?

17 A. Right.

18 Q. And we put the posts in. Did we put braces in?

19 A. Yes, we did.

20 Q. Did we put this top on?

21 A. Yes, we did.

22 Q. And did we put a floor on it?

23 A. Yes, we did.

24 Q. Did we do anything else that day?

25 A. No.

Kidwell - Direct

- 1 Q. Where were the sides built?
- 2 A. In my garage.
- 3 Q. How were they hauled to be put back here?
- 4 A. In your pickup truck.
- 5 Q. Were they already prebuilt?
- 6 A. Yes, they were.
- 7 Q. Did you have -- did you ever hunt out of that hut?
- 8 A. Yes, I did.
- 9 Q. With whom?
- 10 A. You.
- 11 Q. Now, at any point, did the Cafaro Company call and
- 12 ask about the welder and generator?
- 13 A. No, sir.
- 14 Q. Have you had possession of that welder from the day
- 15 it was delivered to you?
- 16 A. Yes, I did.
- 17 Q. Did you have that generator from the day it was
- 18 delivered to you?
- 19 A. Yes, I did. If they picked them up that day, they
- 20 wouldn't have got burnt.
- 21 Q. Were there arrangements made to pick them up?
- 22 A. Yes, there was.
- 23 Q. Did you have knowledge that they would not be picked
- 24 up?
- 25 A. Yes. Somebody called and told me about an hour to

Kidwell - Direct

1 meet them.

2 Q. After having received that phone conversation, what
3 was your understanding of what you were to do with the
4 equipment?

5 A. Keep them. The guy no longer worked for the company
6 he said.

7 Q. You know if he recently quit or quit a long time ago?

8 A. He was done then so. It was a long time ago.

9 Q. Do you know if they have been brought as evidence in
10 this trial --

11 THE COURT: What are you talking about?

12 Q. Do you know if the welder and generator have become
13 issues in this trial?

14 A. Yes.

15 Q. Did you become familiar with Mr. Cafaro's statements
16 in this trial?

17 A. Yes.

18 Q. What is the general reputation of Mr. Cafaro back
19 home?

20 A. Swindler.

21 Q. Have you started the reconstruction on that rental
22 home?

23 A. No, I haven't yet.

24 Q. Is what remains only the garage itself?

25 A. Yes. But I'm tearing that down to start the house.

Kidwell - Direct

1 Q. Did you do anything illegal with U.S. Aerospace?

2 A. No, I did not.

3 Q. Did you make them a proposal on money and costs
4 relative to production of a trailer?

5 A. Until after the first one, I could give him a better
6 idea how much it would be. I told him I could beat the
7 price of the first one.

8 Q. Did you make any suggestions of what type of material
9 they should use to build it with?

10 A. No, sir. Just aluminum is what they wanted?

11 Q. And what was it you asked of them to provide you
12 with?

13 A. The aluminum machine because I didn't have one to
14 weld the aluminum.

15 Q. And what did you need a generator for?

16 A. Generator to run the machine.

17 Q. Cafaro Company ever send you a letter about the
18 machinery?

19 A. No. They did not. I didn't know the Cafaro Company
20 owned the it.

21 Q. When did you learn the Cafaro Company owned it?

22 A. Someone just said that the other day.

23 Q. Now, when we were at the rig, did other people see
24 us?

25 A. Yes, they did.

Kidwell - Cross

1 Q. When Dominic picked me up at the house, your house,
2 was there somebody there?

3 A. Yes, there was.

4 Q. Who?

5 A. Gene Fogel, my son.

6 MR. TRAFICANT: No more questions at this
7 time.

8 THE COURT: Thank you.

9 MR. MORFORD: I have a number of questions.
10 I don't know if the court wants to take a break now.

11 THE COURT: We'll take a short break. About
12 15 minutes. Okay?

13 (Thereupon, a recess was taken.)

14 THE COURT: Mr. Morford. Sir, you're still
15 under oath.

16 CROSS-EXAMINATION OF BRIAN KIDWELL

17 BY MR. MORFORD:

18 Q. Good afternoon.

19 A. How are you doing?

20 Q. You and I never met; is that correct?

21 A. No, sir.

22 Q. And, in fact, you have never discussed any of the
23 things that you testified to here today with anyone from
24 the Government, correct?

25 A. Yes.

Kidwell - Cross

1 Q. You testified about a number of events, but unless I
2 missed it, I didn't hear any years. Do you recall what
3 year it was that you were out picking the Congressman up at
4 YSU?

5 A. Pardon?

6 Q. What year?

7 A. About three or four years ago.

8 Q. Do you recall precisely which year it was?

9 A. '97 '98.

10 Q. And how about the year that the Congressman delivered
11 to you the welder and generator. Do you recall what year
12 that was?

13 A. Yes, that was '99.

14 Q. So the YSU thing took place a year or two before the
15 welder generator?

16 A. Yes.

17 Q. And can you tell us what date the Congressman
18 delivered the welder to you?

19 A. No. Approximately a month.

20 Q. I'm sorry, approximately?

21 A. A month, about May.

22 Q. Of 1999?

23 A. March or May, yeah.

24 Q. How about the generator?

25 A. Yes, about a week later.

Kidwell - Cross

1 Q. And prior to testifying here today, have you met with
2 Congressman Traficant and gone over your testimony with
3 him?

4 A. We've talked about it.

5 Q. How many times did you get together and go over your
6 testimony?

7 A. Never really went over it. Just talked about things
8 that happened.

9 Q. Did he show you any documents to help refresh your
10 recollection on the dates?

11 A. No.

12 Q. How is it that you're able to recall the month and
13 year that the generator and welder were delivered?

14 A. It was in 1999.

15 Q. Right. But how do you recall it was May? What did
16 you say?

17 A. The girl I was dating at the time was with me.

18 Q. How long had you dated her?

19 A. About a month and a half, two months.

20 Q. That's how you remember this?

21 A. Yes.

22 Q. Okay.

23 Do you remember the date you were supposed to meet
24 with Rick Detore in order to get him back these pieces of
25 equipment?

Kidwell - Cross

- 1 A. No, I do not.
- 2 Q. You remember who you were dating at that time?
- 3 A. Yes.
- 4 Q. Who?
- 5 A. My future ex-wife -- the girl I was dating then was a
- 6 girlfriend.
- 7 Q. Could you try to put a date on it. What time period
- 8 are you talking, winter, spring, was it --
- 9 A. No. I really don't remember.
- 10 Q. Well, you testified on direct you had a series of
- 11 conversations -- or odd conversations, and you were set to
- 12 go meet him. You have no idea when that was?
- 13 A. No, because I never thought about. I just didn't.
- 14 Q. Fair to say it was many months after you received --
- 15 A. Yes, it was.
- 16 Q. I'm sorry?
- 17 A. Yes.
- 18 Q. When did your house burn?
- 19 A. Pardon?
- 20 Q. When did your house burn?
- 21 A. Last spring it burned.
- 22 Q. I'm sorry?
- 23 A. Last spring, May.
- 24 Q. May of what year?
- 25 A. 2001.

Kidwell - Cross

1 Q. Okay. How long before -- how long was it prior to
2 the house burning that you were supposed to meet with
3 Mr. Detore?

4 A. The year before that.

5 Q. So it would have been May of 2000?

6 A. Yes, somewhere in there.

7 Q. Isn't it true that --

8 A. I don't have an approximate date on that.

9 Q. Isn't it true the time you were supposed to meet with
10 Mr. Detore to give him that equipment the papers were
11 already reporting that Congressman was under investigation
12 for his dealings with USAG?

13 A. No. I never heard that.

14 Q. Do you ever recall those stories breaking in the
15 paper?

16 A. Yes, afterwards.

17 Q. Well, sir, if that took place in May of 2000, isn't
18 it true those stories broke in January and February of
19 2000?

20 A. I really couldn't tell you on that. The welder part
21 was never brought up to my knowledge.

22 Q. Now, sir, is it fair to say you and Congressman
23 Traficant are pretty good friends?

24 A. Yes.

25 Q. How long have you known him?

Kidwell - Cross

1 A. Since probably 1995, '96.

2 Q. And how is it you two first took up and became
3 friendly?

4 A. Through Dom Marchese and --

5 Q. How often would you get together and do things with
6 Congressman Traficant?

7 A. Quite awhile when we was down, quite a bit.

8 Q. What frequency?

9 A. Just go hunting and stuff like that. He come out to
10 Dom's farm.

11 Q. How would you describe the nature of your
12 relationship and your feelings towards him?

13 A. Just a good friend.

14 Q. Now, as I understand it, there are times when you've
15 actually done welding work for the Congressman, correct?

16 A. Yes.

17 Q. And there are other times that he's asked you to do
18 things as well; is that correct?

19 A. Yes.

20 Q. Isn't it true at one time he asked you if you could
21 build him a new horse trailer?

22 A. Well, he told me if I did a good job on these here,
23 he would see what it would cost. Maybe I could build him
24 one.

25 Q. And he was talking about a very elaborate horse

Kidwell - Cross

1 trailer, correct?

2 A. Pardon?

3 Q. He was talking about a very elaborate horse trailer;
4 is that correct?

5 A. A little bit bigger than I can handle.

6 Q. Kind that has a sleeping compartment as part of the
7 horse trailer?

8 A. Yes. I would say just exaggerating a little bit on
9 the size but --

10 Q. Why don't you tell us what it was he wanted to you
11 build?

12 A. That's what he was talking about, something like
13 that, yes.

14 Q. And when did those conversations take place?

15 A. Just sitting around talking here and there.

16 Q. When?

17 A. When we were out doing things.

18 Q. Within the past two years, correct?

19 A. Pardon me?

20 Q. Within the last two years?

21 A. I got the welders and that.

22 Q. You've got the welders and that. Congressman
23 Traficant was talking to you about whether you could build
24 him a fancy horse trailer with a sleeping compartment?

25 A. Nobody ever said fancy.

Kidwell - Cross

1 Q. Okay. A larger horse trailer?

2 A. Yes, he needed one. You seen his, you would think he
3 needed one.

4 Q. Okay. And this was going to be something made out of
5 aluminum, correct?

6 A. Yes. It's made of a lot of trailers.

7 Q. Now, did you have your own personal welding equipment
8 at your house?

9 A. Yes, for steel, not for aluminum.

10 Q. Not for aluminum?

11 A. No.

12 Q. So if you were going to make this larger horse
13 trailer with a sleeping compartment and all for the
14 Congressman, you would need to have access to an aluminum
15 welder, correct?

16 A. He never said nothing about aluminum.

17 Q. Didn't you say --

18 A. He said if I did a nice job, if it didn't cost too
19 much, he would go with aluminum but never said he would
20 actually do it.

21 Q. My question is: If you were going to do that, you
22 would need to have access to an aluminum welder, correct?

23 A. If he was going to do it out of aluminum.

24 Q. Right.

25 A. But he never said one way or the other, aluminum or

Kidwell - Cross

1 steel.

2 Q. But as you were talking to him, that's what he was
3 talking about potentially of having you do, correct?

4 A. Yes.

5 Q. Now, you don't deny it was Congressman Traficant that
6 delivered that welder, that aluminum welder to you,
7 correct?

8 A. No, I do not.

9 Q. You don't deny it's Congressman Traficant that
10 delivered the generator to you, do you?

11 A. No, I do not.

12 Q. Why did you have the welder stored at one house and
13 the generator stored at the other one? One runs the other?

14 A. Didn't want somebody to steal the generator, or it
15 would just be in the way right there. You can see in the
16 picture my garage is pretty full.

17 Q. How big is the generator?

18 A. Probably about the size of the -- probably two by
19 four, two by three.

20 Q. You said it was pretty heavy. Why would you store it
21 off somewhere else and haul it?

22 A. It was on wheels.

23 Q. Why not the two together in one place?

24 A. Takes up quite a bit of room.

25 Q. Isn't it true there were times you used the

Kidwell - Cross

1 generator, sir?

2 A. Pardon?

3 Q. Isn't it true there were times you used the
4 generator?

5 A. No. The generator was never started.

6 Q. Never used at all?

7 A. It was never wired.

8 Q. So your testimony is you had the welder in your
9 garage, and you had the generator over at the other house
10 because why?

11 A. Just to store it there.

12 Q. Why not store them both there?

13 A. The welder was too big to slide underneath the crawl
14 space of the house. There were a few things in there.

15 Q. That's where you had the generator, underneath the
16 crawl space of the house?

17 A. Yes. There was a breezeway with my furniture in
18 there and like a little access door, and you store things
19 under there.

20 Q. Now, when you set up this alleged meeting with
21 Mr. Detore to return the equipment, was that done by
22 telephone?

23 A. Yes.

24 Q. Did you call him or he call you?

25 A. He called me.

Kidwell - Cross

- 1 Q. And where were you when you received that call?
- 2 A. At home.
- 3 Q. And what was your home telephone number?
- 4 A. At the time 394-2141.
- 5 Q. Did you have any other numbers at the house?
- 6 A. No, I did not.
- 7 Q. Did you have a cell phone at the time?
- 8 A. Yes, I did.
- 9 Q. What was the --
- 10 A. 502 -- I had about three or four. I couldn't give
- 11 you for sure on that one.
- 12 Q. What was the company?
- 13 A. Cellular One and Altel, and I have Sprint right now.
- 14 Q. What did you have at the time that that call took
- 15 place?
- 16 A. I really couldn't tell you. I have to go back and
- 17 check my records.
- 18 Q. How many times did you talk to Mr. Detore regarding
- 19 setting up the meeting to return equipment?
- 20 A. Just one time.
- 21 Q. Is that the only time you ever talked to Mr. Detore?
- 22 A. Pardon?
- 23 Q. Is that the only time you ever talked to Mr. Detore?
- 24 A. No, one other time.
- 25 Q. Isn't it true it was Congressman Traficant who talked

Kidwell - Cross

1 to you about getting the welder and the generator?

2 A. Giving them back?

3 Q. No, just in the first place.

4 A. He got them. They talked to the company, arranged it
5 for me.

6 Q. You didn't know the company people from Adam,
7 correct?

8 A. No, I did not.

9 Q. And you weren't in the building -- you weren't in the
10 business of building trailers, were you, sir?

11 A. Yes. I built quite a few of them.

12 Q. You have a trailer building business?

13 A. I build them in my garage, just side jobs, something
14 to do.

15 Q. Isn't it true, sir, that a company named Trailex had
16 actually already built a prototype of that trailer. Were
17 you aware of that?

18 A. I couldn't tell you that either. I never received
19 the first one.

20 Q. No one at the company told you they had gone to
21 Trailex and had them actually build a trailer?

22 A. They said the first one that was built, and I was
23 supposed to get it for a copy of it.

24 Q. And that never happened, did it?

25 A. No, it did not.

Kidwell - Cross

1 Q. And you have nothing in writing to show that this
2 alleged arrangement existed?

3 A. Just the drawings I gave you right there.

4 Q. How did they give them to you?

5 A. Pardon?

6 Q. How did they get those to you?

7 A. Jim brought those to me.

8 Q. They didn't send you a letter, did they?

9 A. It was in an envelope I had with an address on it.

10 Q. But USAG never sent you a letter stating what it was
11 they supposedly wanted you to do?

12 A. Yes. I did what he told me they wanted.

13 Q. What I'm saying, they never wrote you a letter to
14 memorialize the terms of this agreement, did they?

15 A. No. I never signed a contract with them or nothing.

16 Q. Nothing in writing other than you receiving those
17 drawings, correct?

18 A. Yes.

19 Q. And you received those you said from Congressman
20 Traficant?

21 A. Yes. I was told he would get this to me.

22 Q. Did you ever ask Congressman Traficant why a high
23 tech company would want to be contracting with some guy out
24 of his garage that doesn't have aluminum welding equipment?

25 A. He was always trying to get jobs in the community.

Kidwell - Cross

1 Q. Did you talk to him about it?

2 A. Yeah. He knew I wanted to get out of the company I
3 was at.

4 Q. Let me ask you: If USAG was going to order this
5 welder for purposes of providing it to you so that you
6 could build trailers, wouldn't it make a lot more sense to
7 have them drop-ship it to you in Youngstown?

8 A. I didn't really care. They were giving me the ball
9 in producing it so --

10 Q. Did it seem strange to you a company would order a
11 welder from New Jersey, have it shipped to Virginia to put
12 it on a congressman's truck to have him drive it to your
13 garage?

14 A. No. It didn't seem strange to me at the time. Like
15 I say, they picked it up. I wouldn't have to worry about
16 replacing the generator now.

17 Q. Why didn't you end up building the large horse
18 trailer with the sleeping compartment for Congressman
19 Traficant?

20 A. It was never an issue actually to build it; was just
21 something we talked about; never had the plans or nothing
22 like that.

23 Q. You talked a whole bunch about some kind of a tree
24 stand or something. Was there any metal or welding
25 involved in that?

Kidwell - Cross

1 A. No.

2 Q. Was that built -- at Congressman Traficant's farm or
3 down --

4 A. Each.

5 Q. So you built the one out at Congressman Traficant
6 farm as well?

7 A. We helped on that, yes.

8 Q. You said that when the garage burned, that --

9 A. The house burned, not the garage.

10 Q. The house burned. You attempted to claim the
11 generator on your insurance; is that correct?

12 A. Yes.

13 Q. It wasn't your generator, was it?

14 A. No, it wasn't.

15 Q. Why would you try to file a claim on it then?

16 A. Hopefully, get them to replace it.

17 Q. Not having gotten the money, have you replaced it?

18 A. No. But I don't have to.

19 Q. Has anybody from USAG ever told you you have to
20 replace it?

21 A. No. They said I have never heard no more about it
22 since that night when they called and told me to call when
23 I have the stuff, and that was after Richard said he would
24 pick it up.

25 Q. You said you did, in fact, perform some welding

Kidwell - Cross

1 repairs to a trailer for the Congressman at one time,
2 correct?

3 A. Yes.

4 Q. What was that trailer made out of?

5 A. Steel.

6 Q. Just so I understand your testimony in total as it
7 relates to this trailer -- and please help me if I don't
8 have it right here -- I understand what you're telling us
9 is -- you're telling us that Congressman Traficant told you
10 he was going to try to help you get some contracts to build
11 a whole bunch of trailers, correct?

12 A. Yes. I didn't say how many.

13 Q. But a bunch?

14 A. Yes.

15 Q. And you're going build them out of your garage,
16 correct?

17 A. Yes.

18 Q. And you -- you never got anything -- any kind of
19 written letter or contract from the company, correct?

20 A. No, sir.

21 Q. And the only thing you received were some documents
22 Congressman Traficant gave you, which was a drawing of a --
23 some kind of --

24 A. You have to talk to Richard. He told me they were
25 coming.

Kidwell - Cross

1 Q. But, in terms of any kind of written instructions or
2 contract, you never got anything like that?

3 A. No, sir. That's why the machine was never wired up.

4 Q. They never actually placed an order with you,
5 correct?

6 A. No. I don't even know if they ever got the first
7 one.

8 Q. Well, you're telling us you don't even know that
9 Trailex made a prototype for the company?

10 A. They were supposed to have one done, and I never
11 heard no more about it.

12 Q. But they never got that far with you?

13 A. Not with me they didn't.

14 Q. It's your testimony they went out and bought a welder
15 and generator and brought them to your garage months before
16 they ever even decided whether they were going to place an
17 order with you or not, is that your testimony?

18 A. Yes. I imagine they were going to if they would buy
19 the machine for me.

20 Q. But they never followed up, did they?

21 A. No. The guy said they went out of business or
22 something. He quit.

23 Q. Well, sir, you got it in May and June of 1999,
24 correct?

25 A. Pardon? Yes.

Kidwell - Cross

1 Q. Do you know when the company actually went out of
2 business?

3 A. No, I do not.

4 Q. Well, during the year or so after that, nobody ever
5 placed a single order with you, did they?

6 A. No. They were supposed to pick them up shortly after
7 that, probably six months to a year.

8 Q. Six months to a year after you received it?

9 A. Yes.

10 Q. So it was sometime between December 1999 and May of
11 2000 that they were telling you they needed to pick them
12 back up, correct?

13 A. Yes.

14 Q. And isn't it true that by that time you were aware
15 Congressman Traficant was under investigation by the FBI,
16 in part, because of his relationship with USAG?

17 A. No. I didn't know that, not at the time.

18 Q. Well, sir, isn't it true it was being widely reported
19 all over Youngstown?

20 A. Yes. But whether they were supposed to pick up the
21 machine and that, I didn't put two and two together on
22 that.

23 Q. Okay.

24 MR. MORFORD: Just one moment, your Honor.

25 BY MR. MORFORD:

Kidwell - Redirect

1 Q. Do you have the technical wherewithal and background
2 to get military contracts?

3 A. No.

4 Q. Do you think you making trailers out of your garage
5 could have satisfied the strict regulations that apply to
6 things like Army contracts?

7 A. I could about -- I could build them to their prints
8 if had them. The Army didn't have nothing to do with it.

9 Q. The Army didn't have anything to do with this?

10 A. No.

11 MR. MORFORD: I have nothing further.

12 THE COURT: Thank you. Congressman.

13 REDIRECT EXAMINATION OF BRIAN KIDWELL

14 BY MR. TRAFICANT:

15 Q. Brian?

16 A. Yes.

17 Q. When you got that welder and generator, did you
18 request it, or did they call you?

19 A. I told them I needed that to build the aluminum. I
20 had to weld aluminum.

21 Q. Now, how old is my horse trailer?

22 A. 25, 30, 35 years old.

23 Q. And what, if anything, did you really build well?

24 A. I can weld about anything -- well, trailers.

25 Q. Did a horse trailer discussion have anything to do

Kidwell - Redirect

1 with this USAG business?

2 A. No, it wasn't.

3 Q. Didn't they seem screwed up to you?

4 A. Yes. That was just a conversation we had. Nothing
5 was ever said actually about it.

6 Q. Now, were they not supposed to give you the blue
7 prints of the prototype when it was done?

8 A. Yes.

9 Q. Did they ever do that?

10 A. He give me those to show me actually what it was.

11 Q. But, did you ever see a finished product?

12 A. No, I did not.

13 Q. Did you know that one was made?

14 A. No. They were supposed to have one made. They said
15 it was done.

16 Q. Did you have the ability to make this product?

17 MR. TRAFICANT: You want to turn that on,
18 gentlemen?

19 Q. Is there any trailer that you're not capable of
20 building?

21 A. Probably something I couldn't make, but ones like
22 this, I could make or haulers or something like that -- I
23 made a lot of car haulers.

24 Q. Was that a difficult job for you to make?

25 A. No, it wasn't.

Kidwell - Redirect

1 Q. Did you tell them that?

2 A. Yes.

3 Q. How much did you tell them you thought you could
4 save?

5 A. I never actually give them a total figure on it until
6 I gave the first one I told them.

7 Q. Now, they talked about a little garage. Did you at
8 any time discuss the numbers that they would require?

9 A. No, sir.

10 Q. If there would have been enough numbers, would you
11 have built them?

12 A. Yes.

13 Q. Would you have quit your job?

14 A. If I could have made enough money to work with it.

15 MR. TRAFICANT: No further questions.

16 THE COURT: Anything else?

17 MR. MORFORD: Nothing further.

18 THE COURT: Thank you. Sir, you can step
19 down. You're excused. So will the jury be in just a
20 moment.

21 MR. TRAFICANT: Your Honor --

22 THE COURT: Yes.

23 MR. TRAFICANT: I have no further witnesses.

24 He let them go --

25 THE COURT: No, that's all right. That's

1 fine. We're going to be able to release the jury early,
2 and you folks should be very careful. There has been a
3 winter storm warning. You know how much you can say you
4 can put in that but is supposed to continue on for a couple
5 of hours. What they say includes not just rain but -- not
6 just snow but some freezing rain, so be very careful on
7 your way home. Remember your admonitions. We'll see you
8 tomorrow morning at 9:00. And you're released for the day.

9 (Proceedings in the absence of the jury:)

10 THE COURT: Congressman, there were also -- I
11 mentioned your three motions that were filed that you said
12 you'd give us another.

13 MR. TRAFICANT: I'll try to have them typed.

14 THE COURT: Right. That'll be helpful or
15 either just printed in a way that we can read it, but also
16 the Government filed a motion today, maybe two motions. So
17 you may want to look at those and begin to respond to
18 those. Have you served those?

19 MR. MORFORD: Yes, we have. It was actually
20 a motion in response to his motion from --

21 THE COURT: Okay. The other was a response.
22 So there's one other motion?

23 MR. TRAFICANT: You have another one here?

24 THE COURT: We have a draft ready on jury
25 instructions as I said to you. We carry this on throughout

1 the case. We aren't really ready to issue final jury
2 instructions until we've heard all the evidence, but a lot
3 of the instructions don't relate directly -- or we're able
4 to put options in depending on what happens. So if you
5 want a copy of those, we'll make them available to you.
6 You don't have to have them, but if you want to look at the
7 draft, you have a chance to submit things, but I'd like to
8 keep that as a conversation as we go through the case.

9 Anything else from anybody? You -- I think you let
10 your guy go home today. You're going to bring him back
11 tomorrow?

12 MR. TRAFICANT: No, if I have to bring him
13 back as far as to identify the welder, but I have put the
14 picture on record, and if that picture is what the welder
15 is, I think we'll be fine.

16 THE COURT: Okay.

17 MR. TRAFICANT: But, your Honor, here's the
18 problem we do have. They did breakdown on the turnpike.
19 The trailer was carrying it. If they get here after hours,
20 I don't want that thing sitting outside. I'd like to have
21 arrangements made if you could make arrangements for it to
22 be put in doors somewhere in the basement of this facility
23 so the jury can see it.

24 THE COURT: I have to address the -- let the
25 Marshal, and they will have to get GSA to address that.

1 We have one or two people who may be able to be
2 available, but basically, there's a point at which
3 everything shuts down here around 6:00. So I don't know
4 how that's going to work out. But, we'll -- if you hang on
5 for a few minutes, we'll see what it is, but I don't think
6 you're going to have a 24-hour place where you can unload
7 things.

8 MR. TRAFICANT: No.

9 THE COURT: But, I think it may be okay until
10 6:00. What do you think? You know the answer to that.

11 DEPUTY MARSHAL: Until 6:00, there's not
12 anyone who can check it.

13 THE COURT: When does it start up again in
14 the morning?

15 DEPUTY MARSHAL: 7:00.

16 THE COURT: Okay. Okay. So as long as it
17 happens before 6:00 today, you're okay, and they'll bring
18 it inside, and if it's -- if it's starting at 7:00 tomorrow
19 morning, we'll make them available.

20 MR. TRAFICANT: Okay.

21 THE COURT: It takes a lot of people, you
22 know, because they operate the elevators. They have to
23 inspect it, all that.

24 MR. TRAFICANT: Shall I remain here in the
25 event that it does show before 6:00?

1 THE COURT: I don't think you need -- I don't
2 think you need to.

3 MR. TRAFICANT: I don't know if they know
4 where to take it.

5 THE COURT: Okay. I think they do. Right,
6 Howie, downstairs?

7 DEPUTY MARSHAL: CSO's you're referring to?

8 THE COURT: I don't know. Can you set it up
9 so if it comes before 6:00 --

10 DEPUTY MARSHAL: Yes, we'll take care of it.

11 THE COURT: So you don't need to stay,
12 Congressman, but I don't know what will happen after 6:00.

13 MR. TRAFICANT: It may get here before 6:00,
14 but not knowing where to take it and miss dropping it off,
15 that's the only thing I'm concerned about. The courthouse
16 closes at 6:00, right?

17 THE COURT: Right. What are the
18 instructions?

19 DEPUTY MARSHAL: Might be best for him to
20 wait until they get here so he knows it's here and direct
21 them to the side.

22 THE COURT: You decide.

23 DEPUTY MARSHAL: Anyone can inspect it when
24 it comes in regardless of what it is.

25 MR. TRAFICANT: Yeah, then the federal

1 government is going to have time to look at it, too.

2 THE COURT: Right. They can do that tomorrow
3 once it's inside. It's just a question of what do you do
4 between 6:00 and in the morning. I don't know the answer
5 to that. Okay?

6 All right. Thank you very much. We'll see you
7 tomorrow. I think 10 of 9:00 will be early enough
8 tomorrow, gentlemen.

9 MR. TRAFICANT: Thank you, your Honor.

10 THE COURT: You're welcome.

11 (Proceedings adjourned.)

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1	DIRECT EXAMINATION OF SUSAN BUCCI.....	4588
2	CROSS-EXAMINATION OF SUSAN BUCCI.....	4602
3	REDIRECT EXAMINATION OF SUSAN BUCCI.....	4610
4	DIRECT EXAMINATION OF SANDRA FERRANTE.....	4614
5	CROSS-EXAMINATION OF SANDRA FERRANTE.....	4649
6	REDIRECT EXAMINATION OF SANDRA FERRANTE.....	4699
7	DIRECT EXAMINATION OF BRIAN KIDWELL.....	4721
8	CROSS-EXAMINATION OF BRIAN KIDWELL.....	4747
9	REDIRECT EXAMINATION OF BRIAN KIDWELL.....	4765

10 C E R T I F I C A T E

11 I certify that the foregoing is a correct
12 transcript from the record of proceedings in the
13 above-entitled matter.

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